

**Chapter 18 PARKS, RECREATION AND PUBLIC BUILDINGS AND GROUNDS\***

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**\*Cross reference(s)**--Sports, games prohibited in cemeteries, § 7-133; land use, Ch. 14; streets, sidewalks and other public places, Ch. 25.

**State law reference(s)**--Parks, trees and playgrounds, 30 M.R.S.A. § 3801 et seq.

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- Art. IA. In General, §§ 18-1--18-10
- Art. IB. Dedication of Parks and Public Grounds, §§ 18-11--18-15
- Art. II. Regulations for Parks and Public Grounds, §§ 18-16--18-65
- Art. III. Public Landings, §§ 18-66--18-80
- Art. IV. Airport Facilities, §§ 18-81--18-85
- Art. V. Waterfront Facilities §§ 18-96--18-99

**ARTICLE IA. IN GENERAL**

- Sec. 18-1. Reserved.
- Sec. 18-2. Reserved.
- Sec. 18-3. Reserved.
- Sec. 18-4. Reserved.
- Sec. 18-5. Reserved.
- Sec. 18-6. Reserved.
- Sec. 18-7. Reserved.
- Sec. 18-8. Reserved.
- Sec. 18-9. Reserved.

**Sec. 18-10. Parks Commission.**

(a) *Findings.* The City Council hereby finds that:

(1) Several city parks and public grounds including, but not limited to, Deering Oaks, Eastern Promenade, Western Promenade, Baxter Woods, Baxter Pines, Riverside Golf Course, Payson Park and Stroudwater Park are already all protected by and through deed covenants and restrictions;

(2) The city's cemeteries are already protected by Chapter Seven (7) of the Portland City Code;

(3) The Land Bank has protected twenty-six (26) properties for

conservation and preservation purposes;

(4) Therefore, in order to enhance these existing protections on the city's parks and public grounds, the city council hereby amends the city's parks ordinance as follows:

(b) *Established.* There shall be a commission composed of thirteen (13) members which shall be known as "Parks Commission," hereinafter referred to as the "commission."

(c) *Composition.* One (1) member of the city council, who is on the Transportation, Sustainability and Energy Committee, shall be appointed annually by the city council. One (1) member representing Friends of Deering Oaks; one (1) member representing Friends of the Eastern Promenade; one (1) member representing Friends of Evergreen Cemetery; and one (1) member representing Portland Trails shall be appointed for three-year terms by the city council. Seven (7) members representing the public-at-large and one (1) member representing the Land Bank Commission shall be appointed for three-year terms by the city council. Such three-year terms shall be staggered so that no more than three (3) members representing the public-at-large are appointed in any one (1) year. All members shall serve until their successors are appointed, for a period, however, not to exceed sixty (60) days after expiration of the term. The commission may from time to time establish such subcommittees as it deems appropriate.

(d) *Duties.* The duties of the commission shall include:

- (1) Soliciting, encouraging and accepting private contributions to the city, in cash or in kind, whether by gift, trust, or subject to conditions; provided any gift in kind and that the form of any trust or conditions has been approved by the city council or is ratified by the city council;
- (2) Making recommendations to the city council as to the sale of dedicated parks and public grounds (as described in section 18-14 below) and disposition of trust funds held for parks, trails and open space;
- (3) Maintaining inventories of parks, trails and open space needs as it determines to be desirable;
- (4) Submitting an annual report to the city council regarding the state of the city's parks and public grounds and

making specific recommendations therein about suggested goals and improvements for the parks and public grounds;

- (5) Encouraging educational programs, through the schools or otherwise, in forestry education or other relevant subjects it determines to be beneficial to the parks programs of the city;
- (6) Undertaking such other activities as to enhance the parks, trails and open space programs of the city as it deems appropriate from time to time;
- (7) Conducting an annual meeting of all parks, trails and open space advocacy groups to discuss annual projects and to recommend goals and priorities for capital improvement projects to the city council; and
- (8) Adopting reasonable rules for the conduct of its meetings, which rules shall include provisions for public comment.

(Ord. No. 50-83, 6-20-83; Ord. No. 70-09/10, 10-5-09; Order 203-13/14, 5-28-2014; Ord. No. 116-14/15, 1-5-2015)

**Cross reference(s)**--City boards, commissions, committees, etc., § 2-31 et seq.

#### **ARTICLE IB. DEDICATION OF PARKS AND PUBLIC GROUNDS**

**Sec. 18-11. Parks and Public Grounds Dedicated.** The following parks and public grounds are hereby subject to the provisions within this Article:

Andrews Square;  
Back Cove Park and Trail;  
Barrow's Park/Baxter Sundial;  
Bayside Park/Stone Street Playground;  
Bayside Trail;  
Baxter Pines;  
Baxter Woods;  
Bedford Park;  
Bell Buoy Park;  
Belmeade Park;  
Boothby Square;  
Boyd Street Gardens;  
Bramhall Square;  
Capisic Pond Park;

Caldwell Square;  
Clark Street Park;  
Congress Square (specifically the remaining 1/3 of Congress Square);  
Clark Street Playground;  
Deering Oaks Park;  
Dougherty Field;  
Eastern Promenade Park (including East End Beach and Trail);  
Fessenden Park;  
Fort Allen Park;  
Fort Gorges;  
Fort Sumner Park;  
Fox Field/Kennedy Park;  
Harborview View and Tate-Tyng Park and Playground;  
Heseltine Park;  
Lincoln Park;  
Longfellow Park;  
Longfellow Square;  
Lobsterman Park;  
Marada Adams Playground;  
Martin's Point Park;  
Monument Square;  
Munjoy South Playground;  
Nason's Corner Park;  
Payson Park;  
Peppermint Park;  
Pedro Field;  
Pleasant Street Park and Playground;  
Post Office Park;  
Quaker Park;  
Riverside Golf Course;  
Riverton Trolley Park;  
South Street Playground;  
Stroudwater Park (Waldo Street and Westbrook Street);  
Taylor Street Park;  
Tommy's Park;  
Trinity Park;  
Western Promenade Park; and  
Winslow Park.

(Order 203-13/14, 5-28-2014)

**Sec. 18-12. Use and Maintenance of Parks and Public Grounds.** The City shall retain all parks and public grounds dedicated in section 18-11 predominantly in their natural, scenic, open and/or intended condition. Notwithstanding the foregoing, this provision shall not prevent the City from the following:

(a) Improving or maintaining dedicated parks and public grounds in a manner consistent with the design of the park or public ground or approved master plan;

(b) Using dedicated parks or public grounds for any of the following:

- (1) Athletic contests;
- (2) Playgrounds and/or recreational structures;
- (3) Outdoor restaurant seating;
- (4) Outdoor markets;
- (5) Outdoor performance spaces or performances;
- (6) Signs and other advertising;
- (7) Food trucks or vendors; and/or
- (8) Festivals; or

(c) Granting permits, licenses or leases (no more than one (1) year or less in length) for the use, maintenance and/or improvement of dedicated parks or public grounds.  
(Order 203-13/14, 5-28-2014)

**Sec. 18-13. Inalienability of Parks and Public Grounds.** Except as authorized in sections 18-12 and 18-14, dedicated parks and public grounds may not be removed from the list in section 18-11, or used, sold and/or permanently disposed of for non-recreational purposes.  
(Order 203-13/14, 5-28-2014)

**Sec. 18-14. Disposition of Parks and Public Grounds.** Any request to a council committee or the city council to add or remove a dedicated park or public ground from the list in section 18-11, sell or otherwise permanently dispose of a dedicated park or public ground for non-recreational purposes, or establish a use and/or improvement other than those listed in 18-12, shall be reviewed by the parks commission who shall provide an advisory opinion on any such request prior to review by the council committee and the city council, and shall only become effective upon review and approval by seven (7) members of the city council.  
(Order 203-13/14, 5-28-2014)

**Sec. 18-15. Reserved.**

## **ARTICLE II. REGULATIONS FOR PARKS AND PUBLIC GROUNDS**

**Sec. 18-16. Scope.**

The provisions of this article shall apply to any of the parks or public grounds belonging to or under the control of the city.  
(Code 1968, § 501.1)

**Sec. 18-17. Trucks prohibited.**

No vehicle either loaded or unloaded, used for the transportation of freight, materials or other like commodities shall be allowed on any of the roadways of the parks or public grounds, except with the prior written consent of the parks authority; provided, however, that such vehicle owned or employed by the city may be permitted in the parks or public grounds for the purpose of maintenance or repair work.  
(Code 1968, § 501.1)

**Cross reference(s)**--Traffic and motor vehicles, Ch. 28.

**Sec. 18-18. Loitering in parks.**

Except as provided below for Tommy's Park and Post Office Park, no person shall stop, loiter, be or remain in any of the parks of the city or in any of the paths, drives, streets, boulevards or roadways of the parks between the hours of 10:00 p.m. and 6:30 a.m. of the day immediately following, except for the purpose of traveling across or through such parks; nor shall any person park an automobile and remain therein between the hours of 10:00 p.m. and 6:30 a.m. of the day immediately following on any of the drives, streets, boulevards, promenades or roadways within the parks of the city, unless said person or persons has the prior written authorization of the city manager to be in said park or parks or their drives, streets, boulevards, promenades or roadways during the aforementioned hours.

No person shall stop, loiter, be or remain in Tommy's Park or Post Office Park or in any of the paths of these two parks between the hours of 1 a.m. and 6:30 a.m. on any given day, except for the purpose of traveling across or through such parks.  
(Code 1968, § 711.20; Ord. No. 11-84, 6-6-84; Ord. No. 197-00, 5-1-00)

**Cross reference(s)**--Loitering generally, § 17-1.

**Sec. 18-19. Operation of motor vehicles.**

(a) No person shall operate a vehicle of any description in

any of the parks or public grounds at a rate of speed in excess of such special speed regulations as shall be posted at the entrance of the parks or public grounds; nor shall any such vehicle be driven on or over any part of such parks or public grounds except on or over duly designated roadways; nor shall any such vehicle be operated on any such roadways in the parks or public grounds by those learning to operate such vehicles, except on any such roadways or parts thereof as may be designated for such purpose by the parks authority.

(b) No person shall stop, stand, park or operate a vehicle of any description in Deering Oaks Park in violation of traffic regulations adopted by order of the city council. Upon adoption of any such order, the parks authority, through the city traffic engineer, shall post the traffic regulations in Deering Oaks Park in accordance with such order, or as such order may be later amended. All violations of this subsection (b) shall be enforced in the same manner as violations of the traffic schedule are enforced pursuant to chapter 28 of this Code.

(Code 1968, § 501.2; Ord. No. 226-94, 2-28-94)

**Cross reference(s)**--Traffic and motor vehicles, Ch. 28.

#### **Sec. 18-20. Operation of buses.**

No vehicle engaged in the conveyance of passengers over regular routes shall be operated on any roadways or parts thereof except those that may be designated for such purposes by the parks authority.

(Code 1968, § 501.4)

**Cross reference(s)**--Traffic and motor vehicles, Ch. 28; vehicles for hire, Ch. 30.

#### **Sec. 18-21. Vandalism prohibited.**

No person shall in any manner cut, mar, deface, injure or destroy any growth, structures, fences or other erections in or upon any of the parks or public grounds.

(Code 1968, § 501.5)

#### **Sec. 18-22. Littering prohibited.**

No person shall deposit or leave refuse of any kind in or upon any of the parks or public grounds except in containers specifically provided for such refuse.

(Code 1968, § 501.6)

**Cross reference(s)**--Garbage, wastes and junk, Ch. 12.

**Sec. 18-23. Waters regulated.**

No person shall swim, bathe or wade in any fountain, pond or stream located in or upon the parks or public grounds except as specifically permitted by the parks authority, and no person shall send or throw any animal or thing in or upon the waters, or disturb or annoy any water fowl, or place any boat upon the waters, except as specifically permitted by the parks authority.

(Code 1968, § 501.7)

**Sec. 18-24. Skating and sliding.**

Skating or sliding shall not be permitted in any parks or public grounds, or on any waters in such parks or public grounds, unless specifically authorized by the parks authority.

(Code 1968, § 501.8)

**Sec. 18-25. Mobile food service establishments.**

No person shall operate a mobile food service establishment in any park or on any public grounds except in accordance with the provisions of this section.

- (a) *Permit authority.* The city manager or his designee is authorized to issue revocable, nontransferable permits for the operation of licensed mobile food service establishments in any park or on any public grounds, including but not limited to recreation areas and playing fields. Said permits may be subject to such terms and conditions as the city manager or his designee deems advisable, including restrictions on the time, place and manner of operation; however, no such permit shall be issued or remain valid without the holder's maintaining adequate public liability and other insurance coverage protecting the city at all times.
- (b) *Permit fees.* The fees for issuance of permits authorized under this section shall be the same as provided in section 25-27 for street and sidewalk occupancy permits.
- (c) *Revocation; trespass.* Permits authorized under this section may be revoked at any time by the city manager or his designee upon actual notice to the holder. Any person



who remains on or returns to any park or public grounds for the purpose of operating a mobile food service establishment without a valid permit issued under this section shall be liable for trespass.

- (d) *Exceptions.* This section shall not apply to the operation of mobile food service establishments in any park or on any public grounds by or in conjunction with the sponsor of any festival, celebration or other special event authorized by the city council.

(Ord. No. 655-84, § 1, 5-30-84)

**Sec. 18-26. Reserved.**

**Sec. 18-27. Reserved.**

**Sec. 18-28. Reserved.**

**Sec. 18-29. Reserved.**

**Sec. 18-30. Reserved.**

**Sec. 18-31. Reserved.**

**Sec. 18-32. Reserved.**

**Sec. 18-33. Reserved.**

**Sec. 18-34. Reserved.**

**Sec. 18-35. Reserved.**

**Sec. 18-36. Reserved.**

**Sec. 18-37. Reserved.**

**Sec. 18-38. Reserved.**

**Sec. 18-39. Reserved.**

**Sec. 18-40. Permit required.**

(a) Any person who desires to conduct or sponsor an event at a park or public ground of the city in which it could reasonably be assumed that twenty-five (25) or more persons might gather or participate shall first apply for and obtain a permit from the permitting authority as defined in section 18-41. The application for a permit shall be filed with the appropriate permitting authority no later than thirty (30) days prior to the proposed event.

(b) An application for a permit shall be accepted by the permitting authority no earlier than eighteen (18) months prior to the proposed event.

(c) Applications for permits filed less than thirty (30) days prior to the proposed event shall be subject to a late fee which shall be established by order of the city council.

(d) Events sponsored or conducted by the city shall be exempt from permitting requirements.

(e) Athletic events regulated by the recreation department are exempt from this requirement.

(f) The council shall define by order the parks and public grounds to which this permit requirement shall apply, and such order shall be kept on file in the office of recreation.\*  
(Ord. No. 203-91, 1-23-91; Ord. No. 56-05/06, 9-19-05)

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\* **Editor's note** - The list below was passed by Council Order 257-91 on 2-20-91, and amended by Council Order 54 passed on 9-19-05.

**ORDERED,** that the following parks and public grounds shall be subject to the permitting requirements of Section 18-40 of the Portland City Code:

Back Cove Park	Lobsterman Park
Baxter Woods	Longfellow Square
Bayside Park	Marginal Way Field
Bedford Park	Monument Square
Bell Buoy Park	Payson Park
Belmeade Park	Pleasant Street Park
Boothby Square	Post Office Park
Capisic Pond Park	Presumpscot Park
Congress Square	Public school facilities and grounds
Deering Oaks Park	Subject to agreement with the
Dougherty Field	Portland School Dept.
Eastern Promenade	Riverton Park
Fessenden Park	Stroudwater Park
Fort Allen Park	Tommy's Park
Fort Sumner Park	Western Promenade
Ganley Plaza	
Harbor View Park	
Lincoln Park	

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**Sec. 18-41. Permitting authority; regulations.**

(a) The director of parks and recreation or his designee shall be the permitting authority for events in which it could reasonably be assumed that twenty-five (25) or more persons might gather or participate.

(b) The city council shall be the permitting authority for events in which it could reasonably be assumed that two thousand (2,000) or more persons might gather or participate; or any event which is proposed to last longer than three (3) consecutive days,

regardless of the number of persons anticipated to gather or participate.

(c) The parks and recreation department may promulgate from time to time such reasonable rules and regulations as may be required to implement this ordinance.

(d) The rules shall be enacted in the same manner as the rules for solid waste disposal are promulgated, prescribed in section 12-105(b) and (b.1) of this code, with the exception that the rules will go into effect twenty (20) days after enactment by the director unless stayed by action of the city council. Proposed rules shall be delivered to the council as a communication prior to the enactment.

(Ord. No. 203-91, 1-23-91; Ord. No. 56 05/06, 9-19-05)

**Sec. 18-42. Permit application.**

A person seeking issuance of a permit hereunder shall file an application with the parks and recreation department. The application shall state:

- (a) The name and address of the applicant;
- (b) The name and address of the person, corporation or association sponsoring and/or conducting the activity;
- (c) The day and hours for which the permit is desired;
- (d) The park or portion thereof for which such a permit is desired;
- (e) An estimate of the anticipated attendance or patronage; and
- (f) Any other information which the superintendent shall find reasonably necessary to a fair determination as to whether a permit should issue hereunder.

(Ord. No. 203-91, 1-23-91; Ord. No. 56-05/06, 9-19-05)

**Sec. 18-43. Parks commission review.**

Within five (5) days of receipt of the complete application for a permit, the permitting authority shall provide a copy of the complete application to the chairperson of the parks commission for review. The commission shall have the opportunity to render an

opinion within seven (7) days of the receipt of the complete application on the issuance of the permit, which opinion shall be advisory in nature. A copy of the advisory opinion of the commission shall be provided to the applicant.  
(Ord. No. 203-91, 1-23-91; Ord. No. 70-09/10, 10-5-09)

**Sec. 18-44. Standards for issuance.**

(a) The permitting authority shall issue a permit if it finds:

- (1) The proposed event or activity shall not endanger the health and safety of all persons who visit the park;
- (2) Adequate parking facilities exist and are available to accommodate the proposed event or activity in the park;
- (3) Adequate sanitary facilities exist and are available to accommodate the proposed event;
- (4) The event or activity shall not cause damage from destruction or overuse to or overuse of the grounds, equipment, vegetation, buildings, fences or other amenities in the park;
- (5) The proposed event or activity would not unreasonably disturb persons who occupy land which is adjacent to such park; and
- (6) The park or portion thereof desired has not been reserved for other use at the day and hour required in the application.

(b) When issuing the permit, the permitting authority may designate the specific area within the park or the park system where the event shall be permitted to take place, based upon the foregoing criteria.  
(Ord. No. 203-91, 1-23-91)

**Sec. 18-45. Duties of permittee.**

(a) The permittee shall be responsible for designating a person who shall be in charge of the conduct of the event or activity and who shall be on the park grounds while the event or activity is being conducted.

(b) The permittee shall be responsible for keeping the park clean and free from debris.

(c) Where structures are to be erected in the park, the permittee shall be responsible for complying with building code requirements including, but not limited to, section 626.0 of the building code dealing with temporary structures.

(d) For events where more than two thousand (2,000) individuals are anticipated to gather or participate in the event or activity in the park, the permittee shall provide a bond in the form of cash, certified check or surety bond from a surety company qualified to do business in the State of Maine in an amount of not less than two thousand dollars (\$2,000.00). Such bond shall be utilized to guarantee cleanup of the area and shall be applied against claims by the city for excessive damage to real or personal property in the park.

Activities protected by the first amendment to the United States or Maine Constitution, other than commercial speech, are exempt from subparagraph (d) if the permit for the activity allows the activity to use park space for eight (8) hours or less in one calendar day.

The foregoing exemption shall not apply to an event or activity intended or scheduled to occur more than fourteen (14) cumulative hours in a period of seven (7) consecutive days during which its permit allows exclusive use of park space. For the purpose of this subparagraph an event or activity shall be considered to be using park space during the time in which a permit allows the exclusive use of the space, whether or not the event or activity is actually occurring during that entire time, and whether or not the applicant allows other uses to occur during that time. The department's determination of the need for exclusive use shall be final.

(e) The permittee shall procure and furnish evidence to the city of public liability insurance and automobile liability insurance coverage in amounts not less than four hundred thousand dollars (\$400,000.00) per person, for bodily injury, death, and property damage, protecting the permittee and the city from such claims.

Activities protected by the first amendment to the United States or Maine Constitution, other than commercial speech, are exempt from subparagraph (e) if the permit for the activity allows

the activity to use park space for eight (8) hours or less in one calendar day.

The foregoing exemption shall not apply to an event or activity intended or scheduled to occur more than fourteen (14) cumulative hours in a period of seven (7) consecutive days during which its permit allows exclusive use of park space. For the purpose of this subparagraph an event or activity shall be considered to be using park space during the time in which a permit allows the exclusive use of the space, whether or not the event or activity is actually occurring during that entire time, and whether or not the applicant allows other uses to occur during that time. The department's determination of the need for exclusive use shall be final.

(Ord. No. 203-91, 1-23-91; Ord. No. 308-01/02, 7-15-02; Ord. No. 56-05/06, 9-19-05)

**Sec. 18-46. Deposit to cover cost to the city.**

In addition to the bond required under section 18-45, upon notification from the director of parks and recreation, the applicant shall deposit with the director of finance a cash deposit sufficient to cover the cost to the city, as estimated by the director of parks and recreation and/or director of public works, for repair of damages to the park and for its restoration, and sufficient to pay the expense, as estimated by the director of parks and recreation, of any city employees required to supervise, inspect, setup and cleanup related to the conduct of the event or activity.

(Ord. No. 203-91, 1-23-91; Ord. No. 56-05/06, 9-19-05)

**Sec. 18-47. Repair and restoration of park by the city.**

In the event of damage to real or personal property in the park, the city shall cause the repair and restoration of the park to be skillfully and properly done in a timely manner and shall keep an account of the expense thereof, and in such case, the permittee shall pay the city an amount equal to the whole of the expense incurred by the city.

(Ord. No. 203-91, 1-23-91)

**Sec. 18-48. Permit fees.**

Fees for the issuance of permits authorized under section 18-40 shall be established by order of the city council and kept on file in the office of recreation.

The fees established pursuant to this section or any other fees for city services shall not apply to activities protected by the first amendment to the United States or Maine Constitution, other than commercial speech, if the permit for the activity allows the activity to use park space for eight (8) hours or less in one calendar day.

The foregoing exemption shall not apply to an event or activity intended or scheduled to occur more than fourteen (14) cumulative hours in a period of seven (7) consecutive days during which its permit allows exclusive use of park space. For the purpose of this subparagraph an event or activity shall be considered to be using park space during the time in which a permit allows the event or activity exclusive use of the space, whether or not the activity is actually occurring during that entire time, and whether or not the applicant allows other uses to occur during that time. The department's determination of the need for exclusive use shall be final.

(Ord. No. 203-91, 1-23-91; Ord. No. 56-05/06, 9-19-05)

#### **Sec. 18-49. Appeals.**

(a) Any person who is aggrieved by the failure of the director of parks and recreation or his or her designee to issue a permit may appeal the same to the city manager by written request filed with the office of the city manager within five (5) days from the receipt of the decision of the permitting authority. The city manager shall designate himself or any agent or employee to act as a hearing officer in the appeal. The hearing officer shall provide the applicant the opportunity to be heard regarding the issuance of the permit. The hearing officer shall issue a written decision within five (5) days of the close of the hearing.

(b) Any person who is aggrieved by the decision of a hearing officer or the failure of the city council to issue a permit may appeal to superior court, pursuant to the provisions of Rule 80B of the Maine Rules of Civil Procedure.

(Ord. No. 203-91, 1-23-91; Ord. No. 56-05/06, 9-19-05)

#### **Sec. 18-50. Outdoor dining in city parks.**

Any person who desires to utilize city park space for the purposes of conducting outdoor dining operations, including, but not limited to the placement of tables and chairs in park space for purposes of such dining operations, must obtain a permit from the

Department of Parks and Recreation for such operations in accordance with chapter 25, article II, division 2, sections 25-26 et seq. (Ord. No. 223-01/02, § 1, 5-6-02; Ord. No. 93-07/08, 3-3-08)

- Sec. 18-51. Reserved.**
- Sec. 18-52. Reserved.**
- Sec. 18-53. Reserved.**
- Sec. 18-54. Reserved.**
- Sec. 18-55. Reserved.**
- Sec. 18-56. Reserved.**
- Sec. 18-57. Reserved.**
- Sec. 18-58. Reserved.**
- Sec. 18-59. Reserved.**
- Sec. 18-60. Reserved.**
- Sec. 18-61. Reserved.**
- Sec. 18-62. Reserved.**
- Sec. 18-63. Reserved.**
- Sec. 18-64. Reserved.**
- Sec. 18-65. Reserved.**

### **ARTICLE III. PUBLIC LANDINGS**

#### **Sec. 18-66. Stopping regulated.**

(a) All public landings owned and/or managed by the city shall be posted to indicate the limits on the usage of the landing, including time limits. No person shall stop, dock or tie up any boat or vessel at the ends of or alongside of any public landing owned and/or managed by the city for any purpose or length of time in violation of the limitations posted.

(b) No person shall stop, dock or tie up any boat or vessel at the ends of or alongside of any public landing or portion thereof owned and/or managed by the city that is posted and/or marked in a manner that indicates that the landing is for public safety vessels only.

(Code 1968, § 702.1; Ord. No. 602-71, 12-20-71; Ord. No. 68-88, 7-18-88; Ord. No. 287-07/08, 6-16-08)

#### **Sec. 18-67. Enforcement.**

(a) It shall be the duty of the city manager, or his or her designee, to provide for the enforcement of the provisions of this article. Failure to comply with the posted time and usage



limitations at any public landing owned and/or managed by the city shall constitute a violation and shall be punishable by affine as provided in section 1-15.

(b) In addition to issuing citations for violations of this article, such officers as may be designated by the city manager are hereby authorized to order any boat or vessel stopped, docked or tied up in violation of the provisions of this article to be removed. If such boat or vessel shall not be promptly removed after notice to the owner or person in charge thereof to remove, or if the owner cannot be readily found for the purpose of such notice, such officers shall cause the same to be removed to some suitable place at the expense of the owner of such boat or vessel.

(c) Any person violating any provision of this article, other than section 18-66(b), shall have the option in lieu of going to court of paying a waiver fee of twenty-five dollars (\$25.00) prior to their scheduled court appearance date listed on the summons.

(d) The city manager or his or her designee shall have the authority to promulgate rules or regulations, including time and usage limitations for the public landings, not inconsistent with the provisions of this article, the charter, or with the laws or regulations of the state or the United States of America, which rules shall govern and control the use of any public landing owned and/or managed by the city. Such rules shall be kept on file in the city manager's office.

(Code 1968, § 702.2; Ord. No. 372-91, 5-20-91; Ord. No. 287-07/08, 6-16-08)

**Sec. 18-68. Fees.**

Fees for the use of any public landing owned and/or managed by the city shall be established by order of the city council and kept on file in the city manager's office.

(Ord. No. 372-91, 5-20-91; Ord. No. 287-07/08, 6-16-08)

- Sec. 18-69. Reserved.**
- Sec. 18-70. Reserved.**
- Sec. 18-71. Reserved.**
- Sec. 18-72. Reserved.**
- Sec. 18-73. Reserved.**
- Sec. 18-74. Reserved.**
- Sec. 18-75. Reserved.**
- Sec. 18-76. Reserved.**
- Sec. 18-77. Reserved.**

**Sec. 18-78. Reserved.**  
**Sec. 18-79. Reserved.**  
**Sec. 18-80. Reserved.**

#### **ARTICLE IV. AIRPORT FACILITIES**

##### **Sec. 18-81. Responsibility of airport director.**

The airport director shall have the responsibility for the direction and control of aviation and all other activities, whether commercial or noncommercial, at the Portland International Jetport. He or she shall have responsibility for the care, maintenance and control of all property comprising the Jetport, including all fixtures, equipment, runways, roadways, ramps, and of all property owned by the city contiguous to the Jetport.

(Code 1968, § 503.1; Ord. No. 417-79, 12-17-79; Ord. No. 311-80, 11-3-80; Ord. No. 124-89, § 2, 10-2-89; Ord. No. 57-91, 7-15-91; Ord. No. 174-09/10, 3-15-10)

##### **Sec. 18-82. Off-airport motor vehicle rental businesses operating on the Portland International Jetport.**

(a) *Purpose.* This section is enacted for the purpose of reasonably regulating the business use of public airport facilities by private motor vehicle rental companies which are located off airport property; preserving good order and peace at the airport; providing for the public health, safety and welfare; helping to defray the costs of constructing, operating, maintaining and improving the public airport facilities through the imposition of reasonable user fees; and regulating the use of public facilities in the furtherance of private commercial activities.

(b) *Definitions.*

*Airport customer* is any person who arrives at the airport by aircraft and is transported from the airport to the location of an off-airport motor vehicle rental business in its courtesy vehicle.

*Courtesy vehicle* is a motor vehicle which carries permittee's airport customers to or from the airport.

*Off-airport motor vehicle rental business* is an individual, corporation, partnership, or other entity or person offering and providing to the public rental motor vehicles, including without limitation, automobiles and other four-wheel passenger vehicles,

for hire, to be driven by the lessee.

*Permittee* is an individual, corporation, partnership, or other entity or person operating at, entering on or exiting from airport property under a permit issued by the director of waterfront and transportation facilities pursuant to subsection (c) below. Permittee includes the officers, employees, agents or anyone acting on behalf of or with permission of permittee.

(c) *Permit required.* No person engaging in an off-airport motor vehicle rental business shall operate at, enter upon or use airport property for the purpose of providing pickup or dropoff service for airport customers except under an executed, written contract with the city specifically permitting the operation of such services at the airport. Without limiting the authority granted elsewhere in this article, the airport director is authorized to enter into off-airport business permit agreements which authorize such permittees to conduct certain business operations on airport property in exchange for the payment of a reasonable user fee. Said agreements shall provide for the payment of annual user fees based upon a percentage of the gross revenues from its airport customers, as follows:

- (1) Effective July 1, 1995, through June 30, 1998, or the date upon which occupancy is allowed to all successful bidders, whichever is later:
  - a. Zero percent on the first two hundred thousand dollars (\$200,000.00) in gross revenues; and
  - b. Four (4) percent on the gross revenues above two hundred thousand dollars (\$200,000.00).
- (2) Effective July 1, 1998, or the date upon which occupancy is allowed to all successful bidders, whichever is later:
  - a. Zero percent on the first two hundred thousand dollars (\$200,000.00) in gross revenues; and
  - b. Six (6) percent on the gross revenues above two hundred thousand dollars (\$200,000.00).

(d) *Rules and regulations.* The airport director may issue such rules and regulations as may be necessary to implement this section, such rules and regulations to be issued pursuant to section 18-83. Permittees shall comply with all existing applicable

airport rules and regulations, as they may be amended from time to time, including without limitation, mandatory minimum insurance requirements.

(Ord. No. 164-95, § 1, 2-6-95; Ord. No. 174-09/10, 3-15-10)

**Sec. 18-83. Rules and regulations authorized.**

(a) The airport director shall have the authority to prescribe reasonable rules and regulations not inconsistent with this article, the Charter or contractual obligations of the city or with the laws or regulations of the state or the United States of America to effectuate the responsibilities and duties set forth in section 18-81. Such rules and regulations, when duly promulgated in accordance with the provisions of this article, shall govern, control and establish conditions applicable to the activities of all lessees, licensees, business invitees, and all other persons physically present at the aforesaid properties. Such rules and regulations may include a schedule of reasonable commercial charges, which may be revised from time to time, payable to the city, for the privilege of transacting business other than by lease or contract, at or upon the Portland International Jetport. Such charges may include a percentage of either gross or net revenue derived from commercial activities at the Jetport. Rules, regulations and schedules of fees shall be promulgated by the airport director. He or she shall transmit copies of such proposed rules or regulations or fees to the city manager and to the clerk of the city and shall within one (1) day thereafter display a notice at a prominent place in the Portland International Jetport to the effect that a rule or rules or regulations covering certain specified types of activity, or affecting certain classes of persons, is being proposed, that such rule or regulation will be effective fifteen (15) business days from the date appearing on the notice unless otherwise ordered by the city manager, that written comments or objection should be filed with the city manager no later than ten (10) business days from the date of the notice; and that the full text of the proposed rule or rules or regulations may be seen at the office of the airport director or at the office of the city clerk during normal business hours during the ten-day period. Required notice for such rule or regulation will also be posted on the city of Portland website.

(b) At the end of the fifteen-day period provided above, if the city manager has not disapproved such proposed rule or rules or regulations, the rule or rules or regulations shall be then effective, but if the city manager shall have noted his or her disapproval of it, the rule or rules or regulations shall not take

effect. Once a rule or regulation has taken effect as provided hereinbefore, it shall continue in full force and effect until changed by subsequent rule or regulation until, and to the extent that it later conflicts with an applicable statute, ordinance or rule or regulation. In emergency situations, as declared by the city manager with reference to this article, any rule or regulation so designated shall be effective immediately upon being displayed at the Portland International Jetport. Such emergency rule or regulation shall terminate at the expiration of sixty (60) days or upon a declaration of the end of the emergency, whichever occurs first, unless it has then been made effective in accordance with the procedure set forth above for new rules and regulations. Notice of such rule or regulation will also be posted on the City of Portland website.

(c) All rules or regulations shall be kept in the possession of the airport director and shall be available for inspection during all normal business hours.

(Code 1968, §§ 503.2, 503.3; Ord. No. 417-79, 12-17-79; Ord. No. 311-80, 11-3-80; Ord. No. 124-89, § 3, 10-2-89; Ord. No. 174-09/10, 3-15-10)

#### **Sec. 18-84. Violations.**

(a) Any person violating this article or any rule or regulation made hereunder, including violations of a rule or regulation requiring payment of a charge to do business at the Jetport premises described herein, shall be ordered to leave the premises by the airport director, his or her duly authorized deputy, any authorized security officer, or by any peace officer of the state. The person so ordered shall immediately leave the premises. Any person failing to obey such an order shall be deemed a trespasser and shall be removed from the premises forthwith. No person charged with the enforcement of this article and acting for the city in the discharge of his or her duties as set forth in this article shall render himself or herself personally liable for any damage that may occur to any person or property as a result of his or her acts or duties.

(b) Any violation of this article, or any rule or regulation made pursuant hereto, other than a rule or regulation requiring payment of a charge to do business on the city property, shall be punishable by a fine as provided in section 1-15.

(Code 1968, §§ 503.4, 503.5; Ord. No. 417-79, 12-17-79; Ord. No. 311-80, 11-3-80; Ord. No. 174-09/10, 3-15-10)

#### **Sec. 18-85. Enforcement.**

The airport director, his or her authorized representative, and any authorized law enforcement officer may, prior to commencement of court action, issue a notice of violation to any person charged with a violation of this article or any rule or regulation made pursuant hereto. Such notice shall be in a form approved by the city manager and shall provide a method to be established from time to time by order of the city council by which a person charged with a violation of this article or any such rule or regulation may waive court action with respect to the violation by payment of a specified fee within a stated period of time.

(Ord. No. 307-82, § 503.7, 1-4-82; Ord. No. 174-09/10, 3-15-10)

- Sec. 18-86. Reserved.**
- Sec. 18-87. Reserved.**
- Sec. 18-88. Reserved.**
- Sec. 18-89. Reserved.**
- Sec. 18-90. Reserved.**
- Sec. 18-91. Reserved.**
- Sec. 18-92. Reserved.**
- Sec. 18-93. Reserved.**
- Sec. 18-94. Reserved.**
- Sec. 18-95. Reserved.**

#### **ARTICLE V. WATERFRONT FACILITIES**

##### **Sec. 18-96. Responsibility for waterfront facilities.**

Except as otherwise provided by lease, the city manager, or his or her designee, shall have the responsibility for the director and control of all activities, whether commercial or noncommercial, at the International Marine Terminal, the Fish Pier, the Maine State Pier and the Ocean Gateway Facility. He or she shall have the responsibility for the care, maintenance and control of all property comprising the International Marine Terminal, Fish Pier, the Maine State Pier and the Ocean Gateway Facility, including all fixtures, equipment, runways, roadways, ramps, slips, dolphins and of all property owned by the city contiguous to such properties.

(Ord. No. 174-09/10, 3-15-10)

##### **Sec. 18-97. Rules and regulations authorized.**

(a) The city manager, or his or her designee, shall have the authority to prescribe reasonable rules and regulations not inconsistent with this article, the Charter or contractual

obligations of the city or with the laws or regulations of the state or the United States of America to effectuate the responsibilities and duties set forth in section 18-96. Such rules and regulations, when duly promulgated in accordance with the provisions of this article, shall govern, control and establish conditions applicable to the activities of all lessees, licensees, business invitees, and all other persons physically present at the aforesaid properties. Such rules may include a schedule of reasonable commercial charges, which may be revised from time to time, payable to the city, for the privilege of transacting business other than by lease or contract, at or upon the International Marine Terminal, Fish Pier, the Maine State Pier and/or the Ocean Gateway facility. Such charges may include a percentage of either gross or net revenue derived from commercial activities at each of the premises. Rules, regulations and schedules of fees shall be promulgated by the city manager or his/her designee. He or she shall transmit copies of such proposed rules and regulations or fees to the clerk of the city and shall within one (1) day thereafter display a notice at the affected facility or facilities and in city hall to the effect that a rule or rules or regulations covering certain specified types of activity, or affecting certain classes of persons, is being proposed, that such rule or regulation will be effective fifteen (15) business days from the date appearing on the notice unless otherwise ordered by the city manager, that written comments or objection should be filed with the city manager no later than ten (10) business days from the date of the notice; and that the full text of the proposed rule or rules or regulations may be seen at the office of the city clerk during normal business hours during the ten-day period. Notice of such rule or regulations, the rule or rules or regulations shall be then effective, but if the city manager shall have noted his or her disapproval of it, the rule or rules or regulations shall not take effect. Once a rule or regulation has taken effect as provided hereinbefore, it shall continue in full force and effect until changed by subsequent rule or regulation or until, and to the extent that it later conflicts with an applicable statute, ordinance or rule or regulation. In emergency situations, as declared by the city manager with reference to his article, any rule or regulation so designated shall be effective immediately upon being displayed at the affected facility or facilities. Such emergency rule or regulation shall terminate at the expiration of sixty (60) days or upon a declaration of the end of the emergency, whichever occurs first, unless it has then been made effective in accordance with the procedure set forth above for new rules and regulations. Required notice for such rule or

regulation will also be posted on the City of Portland website.

(c) All rules or regulations shall be kept in the possession of the city manager or his or her designee and shall be available for inspection during all normal business hours.  
(Ord. No. 174-09/10, 3-15-10)

**Sec. 18-98. Violations.**

(a) Any person violating this article or any rule or regulation made hereunder, including violations of a rule or regulation requiring payment of a charge to do business at the premises described herein, shall be ordered to leave the premises by the city manager, his or her duly authorized deputy, any authorized security officer, or by any peace officer of the state. The person so ordered shall immediately leave the premises. Any person failing to obey such an order shall be deemed a trespasser and shall be removed from the premises forthwith. No person charged with the enforcement of this article and acting for the city in the discharge of his or her duties as set forth in this article shall render himself or herself personally liable for any damage that may occur to any person or property as a result of his or her acts or duties.

(b) Any violation of this article, or any rule or regulation made pursuant thereto, other than a rule or regulation requiring payment of a charge to do business on the city property, shall be punishable by a fine as provided in section 1-15.

**Sec. 18-99. Enforcement.**

The city manager, or his or her authorized representative, and any authorized law enforcement officer may, prior to commencement of court action, issue a notice of violation to any person charged with a violation of this article or any rule or regulation made pursuant hereto. Such notice shall be in a form approved by the city manager and shall provide a method to be established from time to time by order of the city council by which a person charged with a violation of this article or any such rule or regulation may waive court action with respect to the violation by payment of a specified fee within a stated period of time.

(Ord. No. 174-09/10, 3-15-10)

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**\*Editor's Note**—Pursuant to Order 174-09/10, passed on March 15, 2010 the  
18-24



City of Portland  
Code of Ordinances  
Sec. 18-85

Parks, Recreation and Public Buildings and Grounds  
Chapter 18  
Rev. 3-15-2010

amendments made to Article V are effective retroactively to May 19, 2008.  
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