

Order 122-18/19

Passage: 9-0 on 1/7/2019

Effective 1/17/2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER DECLARING APRIL 28, 2019
THE PORTLAND 10-MILER FESTIVAL**

ORDERED, that Sunday, April 28, 2019 is hereby declared to be the Portland 10-Miler Festival, sponsored by Gray Matter Marketing; and

BE IT FURTHER ORDERED, that the Portland 10-Miler Festival area shall be the race route, starting and ending at Payson Park, and including Back Cove Path, Baxter Boulevard from Bates Street to Preble Street, Eastern Promenade Trail, Hancock Street, Fore Street, Eastern Promenade, Washington Avenue sidewalk, Tukey Street Connector and the Preble Street Parking Lot; and

BE IT FURTHER ORDERED, that the following streets shall be closed for the following times on April 28, 2019:

- Payson Park Roads shall be closed from 8:00 a.m. to 1:30 p.m.;
- Baxter Boulevard from Bates Street to Vannah Avenue shall be closed from 9:30 a.m. to 1:30 p.m.;
- Baxter Boulevard from Vannah Avenue to Preble Street shall be closed from 9:30 a.m. to Noon;
- Washington Avenue from I-295 Ramp to Walnut Street shall be closed from 10:00 a.m. to 11:30 a.m.;
- Eastern Prom Roadway (water-side lane) from Washington Avenue to Fore Street;
- Fore Street (water-side lane) from Eastern Prom to Hancock Street;
- Other roads along the race route shall be closed for short periods as needed during the race; and

BE IT FURTHER ORDERED, that vehicles in violation of the “no parking” signs in the Festival Area shall be towed at owner’s expense; and

BE IT FURTHER ORDERED, that the Portland 10-Miler Festival Area shall be closed to licensed street vendors as provided in §19-17 and §19-22 of the Portland City Code; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit to Gray Matter Marketing under §§25-26—25-28 of the Portland City Code to conduct said Festival, subject to the direction and control of the City Manager and to the following specific conditions:

1. Gray Matter Marketing shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. Gray Matter Marketing shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;
2. No alcoholic beverages may be sold on the streets or public property during the Festival within the Festival Area, except in an enclosed Beer and Wine Garden for people 21-years-old and older, to be authorized under a liquor license obtained by Spurwink Services and with the oversight of Public Assembly Facilities Division staff;
3. Gray Matter Marketing shall be responsible for all fees for a permit issued from the Public Assembly Facilities Division. Conditions for use of grounds, and requirements for food service, vending sales, tent and stage installations and other items specified in that permit shall be adhered to;
4. Gray Matter Marketing shall pay for any services provided to run the festival, including from the Portland Police Department, Parking Division and Maine State Police and Public Assembly Facilities Division staff and any others;
5. Gray Matter Marketing shall have sole authority over participating vendors at the Festival and may charge a fee to vendors for the opportunity to vend at the 10-Miler Festival;
6. In addition, the Business Licensing Office shall charge the usual fees for licensing food vendors, street goods vendors, and concert licenses for the Festival to those vendors the Gray Matter Marketing has agreed shall participate;
7. The route of the race is subject to change, depending on construction projects along the route and on Portland Police Department recommendations;
8. Any and all amplified music and public announcements shall be maintained at a reasonable noise level (under 92 decibels) and be configured by the event organizer to focus volume away from residential housing and neighboring business, limiting any impact in the area by the sound level; and

BE IT FURTHER ORDERED, that the City Manager is authorized to waive fees and to issue such other temporary licenses, including licenses for food service establishments, as may be required by the Portland City Code, provided that all other applicable Code requirements for the operation of the Festival have been met.