

Order 8 -09/10

Passage: 7/20/09 9-0

JILL S. DUSON (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
DANIEL S. SKOLNIK (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
DORY-ANNA R. WAXMAN (A/L)
NICHOLAS M. MAVODONES (A/L)

**ORDER DECLARING “MACHIGONNE, WITH RAY LAMONTAGNE AND
RUSTIC OVERTONES”
AS A FESTIVAL AND APPROVING CONTRACT AND PERMITS THEREFOR**

ORDERED, that Saturday, August 29, 2009, is hereby declared Machigonne, with Ray Lamontagne and Rustic Overtones, and the City Manager is authorized to grant permits to the organizers of Machigonne, with Ray Lamontagne and Rustic Overtones, **THE JESSIE B-C FUND**, pursuant to Sec. 25-27 of the Portland City Code for the following activities:

Use of the Maine State Pier from 12:00 noon on Friday, August 28, through 12:00 noon Sunday, August 30, with a concert to be held rain or shine from 6:00 p.m. Saturday, August 29, through 11:00 p.m. Saturday, August 29; any and all public announcement (PA) and other speakers or amplifiers used to amplify music or other sound shall be maintained at a reasonable level and be configured by Machigonne’s contractor and the City to focus volume on the pier and its immediate environment.

BE IT FURTHER ORDERED, that under no circumstances may alcoholic beverages be sold on the streets or public property, except the sale and consumption of alcoholic beverages will be permitted solely in the Beverage Services area of the Maine State Pier from 4:30 p.m. Saturday to 10:00 p.m. Saturday;

BE IT FURTHER ORDERED, that **THE JESSIE B-C FUND** shall reimburse the City for all expenses incurred by City Departments in connection with the Festival;

BE IT FURTHER ORDERED, that **THE JESSIE B-C FUND** 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, its activities and/or use of City streets and property for said Festival, and shall procure and maintain commercial general liability, including contractual liability, insurance in the minimum amount of One Million Dollars (\$1,000,000) combined single limit for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder, and naming the City of Portland as an additional insured thereon; **THE JESSIE B-C FUND** shall further provide liquor liability insurance covering the sale and consumption of alcoholic beverages;

BE IT FURTHER ORDERED, that the City Manager is authorized to enter into the Agreement attached hereto for the use of the Maine State Pier on August 07-09th, and the provisions of said Agreement shall control the use of said Pier;

BE IT FURTHER ORDERED, that Festival areas will be closed to street vendors pursuant to Section 19-17 of the Portland City Code and the City Manager is authorized to issue such other temporary licenses for the Festival, including licenses for food service establishments, as may be required by the Portland City Code, provided that all applicable requirements of the Code have been met.