

Order 26-11/12

Given first reading on 8/1/11

Public Hearing and Passage: 8/15/11 9-0

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**CITY OF PORTLAND
IN THE CITY COUNCIL**

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**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 25 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES
ARTICLE II. OBSTRUCTIONS, ENCUMBRANCES, AND AUTHORIZED EVENTS
SECTION 25-26**

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

1. *That Article II, Obstructions, Encumbrances, and Authorized Events, Section 25-26 of the Portland City Code is hereby amended to read as follows:*

Sec. 25-26. Required.

(a) No person shall place or cause to be placed in or on, or shall suspend over any street, way or public place in the city any article or thing whatsoever, including but not limited to portable sidewalk signs, except under a duly authorized permit therefor issued pursuant to the provisions of this division.

Except during declared festivals or other approved events that require a sidewalk occupancy permit under this section, this section shall not apply to a table or other structures used by (1) street artists to create or sell works of art or (2) individuals who set up a table and/or chairs in compliance with chapter 19, article II, sec. 19-24 subparagraph (a)(1),(2),(5) and (6), to engage in an activity other than commercial speech, protected by the first amendment to the United States and Maine Constitution including but not limited to the distribution of political or religious literature, or the gatherings of signatures on petitions.

(b) No person shall expand a food service establishment to the outside on any street, way or public place in the city except under a duly authorized outdoor dining permit issued pursuant to the provisions of this division.

(c) Notwithstanding this section, business owners may place benches or flower pots on city sidewalks without obtaining a permit, provided that the benches or flower pots are located directly in front of the business, that a minimum of four feet of open sidewalk remains for the free passage of pedestrians, and that such benches and flower pots are only permitted on the sidewalk during business hours.