

Order 54-13/14
Given first reading on 9/16/13
Passage: 8-0 (Anton absent) 10-7-13

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)

**AMENDMENTS TO PORTLAND CITY CODE
CHAPTER 6 (BUILDINGS) SECTION 6-17 (FEE SCHEDULE)
CHAPTER 19 (PEDDLERS AND SOLICITORS) SECTIONS 19-21
(PROHIBITED OPERATIONS) and 19-26 (PARKING)
CHAPTER 28 (TRAFFIC) SECTION 28-84 (VIOLATIONS)
RE: FOOD TRUCKS**

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

1. *That Chapter 6, Section 6-17 of the Portland City Code is hereby amended to read as follows:*

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:

...

(b) Fees for specific items (additional to cost of work fees above):

- | | | |
|-----|------------------------------|------------------------|
| (1) | Air conditioning and | .\$30.00 + \$10.00 per |
| | ventilation systems | \$1,000.00 cost |
| (2) | Change of use permit | .\$30.00 + \$10.00 per |
| | | \$1,000.00 cost |

(3)	<u>Food Truck Operating</u>	
	<u>On Private Property</u>	<u>.\$30.00</u>

(~~4~~) Demolitions:

Structures \$30.00 + \$10.00 per
\$1,000.00 cost

| (45) Heating systems-all types. . \$30.00 + \$10.00 per
\$1,000.00 cost

| (56) Oil and gas burner. \$30.00 + \$10.00 per
replacement \$1,000.00 cost

| (76) Stop work order removal . . \$100.00

| (87) Certificate of Occupancy. . \$75.00 for each
Inspection

| (89) Home occupation \$150.00 plus cost of
work

| (109) Re-inspections \$75.00 for each

...

2. *That Chapter 19, Sections 19-21 and 19-26 of the
Portland City Code are hereby amended to read as
follows:*

Sec. 19.21. Prohibited operations.

...

(d) No street vendor shall operate:

(1) Within any area designated by the city council
for a sidewalk sale, street festival, or other
special event, except as authorized by a street
and sidewalk occupancy permit issued pursuant to
section 25-26 and as provided by section 19-22;

(2) On any city-owned property without a lease,
contract, or other agreement with the city;

(3) On the grounds of any public school unless a
school authorized function;

| ~~(4) Within sixty five (65) feet of any other licensed
street vendor if operating on the peninsula,~~

~~except for festivals approved pursuant to Section 19-22;~~

(~~54~~) Within sixty-five (65) feet of any fixed-base retail establishment if operating on the peninsula, except during festivals approved pursuant to Section 19-22 and except as provided in subsection (e) below;

(~~65~~) Within two-hundred (200) feet of any ~~other licensed street vendor or~~ fixed-base retail establishment if operating off the peninsula, except during festivals approved pursuant to Section 19-22 and except as provided in subsection (e) below;

(~~76~~) For pushcarts, on any sidewalk less than eight (8) feet in width or in any other location so as to impede the free passage of vehicles or pedestrians, obstruct the entrance to or exit from private property, jeopardize the public safety, or otherwise inconvenience the public.

(e) Notwithstanding paragraphs (d) (~~4 & 5~~) above, a licensed street vendor may operate one mobile food service establishment within sixty-five (65) feet, if on the peninsula or two-hundred (200) feet if off the peninsula, of a fixed-based retail establishment offering the same or substantially similar goods or services, upon the following conditions:

...

Sec. 19-26. Parking.

Notwithstanding the general prohibition contained in Chapter 28, Section 28-84, licensed street vendors operating lawfully in a metered parking space located on city-owned property may deposit in the adjacent single-space parking meter or multi-space meter payment for the purpose of parking beyond the maximum legal parking time designated by the parking meter or multi-space meter ("prolonged parking" or "feeding the meter"), provided that no street vendor may prolong the maximum legal parking time designated by the parking meter or multi-space meter by more than two times (2x) the maximum parking time in any twenty-four (24) hour period.

3. *That Chapter 28, Section 28-84 of the Portland City Code is hereby amended to read as follows:*

Sec. 28-84. Violations.

It shall be unlawful for any person to:

...

(c) Cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to remain in a parking space beyond the period of legal parking time established for such parking space as provided in the traffic schedule, or, except as provided in Section 19-26, to deposit in the adjacent single-space parking meter or a multi-space meter any payment for the purpose of parking beyond the maximum legal parking time designated by the parking meter or multi-space meter ("prolonged parking" or "feeding the meter");

...