

Order 253-15/16

Passage: 9-0 on 5/18/2016

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**CITY OF PORTLAND  
IN THE CITY COUNCIL**

Effective 7/1/2016

DAVID H. BRENERMAN (5)  
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JON HINCK (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE  
Re: VARIOUS FEE INCREASES FOR FISCAL YEAR 2017**

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

1. *That Section 10-18 is hereby amended to read as follows:*

**Sec. 10-18. Amendments.**

The Fire Prevention Code adopted by section 10-16 is amended, modified and deleted in the following respects:

(a) Section 1.10 (Board of Appeals); *delete.*

...

(c) Section 1.12.7 is amended to read as follows:

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| <b>Permit</b>  | <b>Fire Prevention Code Section</b> | <b>Permit Fee</b> |
|--|-------------------------------------|-------------------|
| Application for Flammable Finishes                                     | 1.12.7                              | \$166.00 (D)      |
| Bulk Waste Storage   | 1.12.7                              | \$166.00 (D)      |
| Certificate of Fitness for Fire Alarm Service and Installation Company | 1.12.7                              | \$250.00 each     |
| Cutting and Welding (Permanent Facilities)                             | 1.12.7                              | \$62.00 (D)       |

| Permit   | Fire Prevention Code Section | Permit Fee          |
|--|------------------------------|---------------------|
| Dry Cleaning Plants  | 1.12.7                       | \$62.00 (D)         |
| Fire Alarm Inspections Sticker   | 1.12.7                       | \$20.00 each        |
| Fireworks Display  | 1.12.7                       | \$141.00**          |
| Flammable or combustibile liquids, other than motor fuel dispensing          | 1.12.7                       | \$166.00* (D)       |
| Hazardous materials  | 1.12.7                       | \$62.00 (D)         |
| <u>Tier II Hazardous Materials</u>   | <u>1.12.7</u>                | <u>\$250.00 (D)</u> |
| Hot work (Temporary)   | 1.12.7                       | \$25.00             |
| Motor Fuel Dispensing and Refueling  | 1.12.7                       | \$166.00 (D)        |
| Special Type Dispensing Systems, other than Flammable or Combustible Liquids | 1.12.7                       | \$166.00 (A) (D)    |
| Repair Garages and Service Stations  | 1.12.7                       | \$166.00 (D)        |
| Woodworking and Lumber Storage Plants  | 1.12.7                       | \$104.00 (D)        |

(A) License from city clerk required, see: Private and Special Laws of 1917, Chapter 160.

(B) Imposed by state statutes.

(C) Building permit required.

(D) Application and license issued through City Clerk's office after Fire Department review.

\*\*Equal to fee charged by state

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2. That Sections 14-54, 14-465, 14-530 and 14-677 are hereby amended to read as follows:

Sec. 14-54. Zone change/zone map fees.

(a) One or more of the following fees will be charged by the city for applications for changes of zone according to the following major zoning classifications and pertinent data relating to the specific zone change:

(1) Zoning Map Amendments: ~~\$2,000.00~~ \$3,000.00

(2) Zoning Text Amendments: ~~\$2,000.00~~ \$3,000.00

(3) Combination Zoning Map and Text Amendments: ~~\$3,000.00~~ \$4,000.00

(4) Conditional Rezoning: ~~\$3,000.00~~ \$5,000.00

(5) Applicant shall pay a fee to cover the professional and administrative costs for review and analysis associated with the zoning amendment, including but not limited to planning, legal, engineering or other services. The fee shall be based on the hours of review and processing time and prevailing hourly rate for reimbursement of city costs. The city shall periodically invoice the applicant for such costs incurred by the city, which invoice shall be paid promptly by the applicant.

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**Sec. 14-465. Zoning Determination Fee.**

Upon request of any person and payment of a ~~\$150.00~~ \$250.00 fee, the building authority shall issue a written decision, determination or interpretation regarding the zoning code. The fee shall not apply to any such decision, determination or

interpretation made in regard to a single-family residence which is owned and occupied by the person making the request.

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**Sec. 14-530. Development review fees and post approval requirements.**

(a) *Development Review Fees.*

1. Payment of fees and costs: Prior to the issuance of permits of any kind or the release of a signed subdivision plat for recording for any project whose permit fee is governed by this ordinance, all current charges due under this ordinance shall be paid and the developer must otherwise be in compliance with the provisions of the City Code.

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4. *Site Plan Review Expenses.*

- a. Level I: Minor Residential \$300 (flat fee)
- b. Level I: Site Alteration \$200
- c. Level II: Site Plan \$400
- d. Level III: Site Plan
  - i. Under 50,000 sf ~~\$500~~750
  - ii. 50,000-100,000 sf \$1,000
  - iii. 100,000-200,00 sf \$2,000
  - iv. 200,000-300,000 sf \$3,000
  - v. Over 300,000 sf \$5,000
  - vi. Parking lots over 100 spaces \$1,000

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i. Fee for Development Review Services

- i. Planning fee per hour ~~\$40~~50

ii. Legal fee per hour \$75

iii. Third-party Review Fees assessed by the Third Party Professional

j. State Delegated Review Fees

i. Site Location of Development ~~\$3,000~~3,500, except for ~~residential~~ projects which will be \$200 per lot.

ii. Traffic Movement Permit ~~\$1,000~~1,500

iii. Stormwater Quality Permit \$250

k. Performance Guarantee

1. As required in Section 14-530 (b) (4).

l. Inspection Fees, as required in Section 14-530 (b) (5)

i. Level I: Site Alteration, Level II and Level III: 2% of the performance guarantee or as assessed by Planning or Public Works Engineer at ~~\$45~~50 an hour~~s~~ with minimum inspection fee of \$300 Level I: Minor Residential Inspection Fee \$100 (flat fee).

m. Street vacation \$2,000

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**Sec. 14-677. Costs.**

Any project may be subject to one or more of the following fees:

(a) Project Review.

1. Administrative review, ~~\$50.00~~65.00.

2. Historic Preservation board review: ~~\$100.00~~125.00.

3. Historic preservation board review for projects involving new construction or building additions

exceeding 1000 square feet or comprehensive rehabilitation or redesign of existing structures: \$750.00.

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3. That Section 24-72 is hereby amended to read as follows:

**Sec. 24-72. Sewer user charges.**

(a) *Applicability.* There are levied upon all parcels of land charges for cost of treatment of wastewater and for the operation and maintenance of the wastewater system.

(b) *Billing.* Bills for all charges under this article may be sent to the record owner, or to the person requesting water service. Bills shall be sent to each such owner or person every month, except that persons billed quarterly or seasonally by the Portland Water District for water service may be billed quarterly or seasonally for all charges under this article. All payments shall be credited against the oldest outstanding bill sent to such owner or person. Any payments made to the Portland Water District or its agents, which do not indicate to which account they are to be applied, shall be applied as provided by contract between the city and the Portland Water District.

Bills shall contain an amount for sewer user charges, and if delinquent as provided in section 1-16 of this Code, shall include charges for interest to be computed in the same manner as provided for real estate taxes.

(c) *Computation.* The user charges shall be computed in accordance with the following schedule, as from time to time amended, which shall be sufficient to meet costs of the eligible purposes for which such charges may be used. ~~For user charges under this section for both dwelling units and commercial units, the rate shall be nine dollars and seventy cents (\$9.70) per hundred cubic feet of volume for connected parcels of land. Beginning From~~ January 1, 2016, user charges under this section for both dwelling units and commercial units shall be eight dollars and twenty cents (\$8.20) per hundred cubic feet of volume for connected parcels of land. Beginning January 1, 2017, user charges under this section for both dwelling units and commercial units shall be nine dollars and thirty-five cents (\$9.35) per hundred cubic feet of volume for connected parcels of land. The user charge for developed but unconnected parcels of land shall be one dollar and seventy-one cents (\$1.71) per

hundred cubic feet of volume. Each metered billing unit shall have a minimum charge of at least one hundred (100) cubic feet per month.

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4. *That Section 25-133 is hereby amended to read as follows:*

**Sec. 25-133. Excavations during winter.**

(a) No person or utility shall be granted a street opening permit or open any paved area from the time of November fifteenth of each year to April fifteenth of the following year unless an emergency or special condition exists and permission is obtained in writing from the city.

(b) Any person or utility wishing to obtain a street opening permit between these aforementioned dates shall first explain fully in writing the emergency situation or special condition existing to the city before a permit application will be considered for approval. If an emergency condition which could endanger life or property exists, excavation work shall not be delayed by this section; however, a written explanation shall be delivered to the city as part of the street opening permit application made in accordance with §25-128. In the rare event that a non-emergency permit is issued between the aforementioned dates for an excavation into a paved area, a moratorium surcharge of ~~five hundred~~ one thousand dollars (~~\$500.00~~1,000.00) will be added to the regular permit fee. This moratorium surcharge may be waived by the director if specific weather conditions exist and paved area restorations are in compliance with normal construction season standards, as described in the rules and regulations.

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**BE IT FURTHER ORDERED,** that this amendment shall be effective on July 1, 2016.on July 5, 2015.