

Order 217-17/18
Passage: 8-0 on 5/21/2018

Effective 5/31/2018

ETHAN K. STRIMLING (MAYOR)
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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)

AMENDMENT TO PORTLAND CITY CODE
Re: VARIOUS FEE INCREASES FOR FISCAL YEAR 2019
IN CHAPTERS 10, 14, 15, 24, 25 and 28

**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:

...

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 <u>\$25.00</u> each
Fireworks Display	1.12.7	\$141.00**

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2. *That Sections 14-54 and 14-530 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: \$~~3,000.00~~7,500.00
- (2) Zoning Text Amendments: \$~~3,000.00~~7,500.00
- (3) Combination Zoning Map and Text Amendments:
\$~~4,000.00~~10,000.00
- (4) Conditional Rezoning: \$~~5,000.00~~10,000.00

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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~~600.00
- c. Level II: Site Plan \$~~400~~800.00
- d. Level III: Site Plan
 - i. Under 50,000 sf \$~~750~~2,750.00
 - ii. 50,000-100,000 sf \$~~1,000~~3,000.00

- k. Performance Guarantee
 - 1. As required in Section 14-530 (b) (4).
 - 1. 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 ~~\$5254~~ an hour with minimum inspection fee of \$300 Level I: Minor Residential Inspection Fee \$100 (flat fee).
 - m. Street vacation \$2,000

3. That Section 15-6 is hereby amended to read as follows:

Sec. 15-6. Fees.

(a) *Application fees.* Except as expressly provided, all applications for original licenses or for the consent of the city council, other than a flea market seller, temporary FSE or auction license, shall be accompanied by an administrative fee of thirty-five dollars (~~\$35.00~~45.00) to defray the cost of processing the application. All applications for renewal of licenses shall be accompanied by the fees for issuance and an administrative fee of twenty-five dollars (~~\$25.00~~35.00), except for a flea market seller to defray the cost of processing the application. In any case where notice by publication or mail is required, the applicant shall pay the cost of publication and postage in advance. Application fees shall not be refundable.

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4. That Sections 24-72, 24-83 and 24-84 are hereby amended to read as follows:

Sec. 24-72. Sanitary sewer user charges.

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

...

(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. Beginning July 1, ~~2017~~2018, user charges under this section for both dwelling units and commercial units shall be nine dollars and ~~sixty~~ninety-five cents (~~\$9.65~~9.95) 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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Sec. 24-83. Exemptions.

Exemptions from stormwater charges established under this article are not allowed, except as provided in this section. Exemptions shall be allowed for:

(a) All roads owned or maintained by the State of Maine, including the Maine Turnpike; and all accepted City roads and all roads maintained by the City; all private roads and ways serving more than two dwelling or structures, but not driveways; all public pedestrian walkways. However, parking lots, buildings, or other developed land within the right-of-ways shall not be exempt from storm water service charges;

(b) Undeveloped land;

(c) Railroad rights-of-way (tracks). However, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from storm water service charges;

(d) Airport runways, taxiways and aprons upon which public and private aircraft operate;

(e) With the exception of Peaks Island all islands are exempted from the fee due to the limited services provided to the islands.

(f) All City-owned land, buildings and other real property.

Sec. 24-84. Stormwater Service Charge.

(a) There is levied upon all developed land stormwater service charges for the cost of providing stormwater services. All developed land shall be charged six dollars and thirty cents (~~\$6.00~~6.30) per month per one thousand two hundred (1,200) square feet of impervious surface area, rounded to the nearest one thousand two hundred (1,200) square feet of impervious surface area.

(b) The basis for this charge is the measured amount of impervious surface area on the developed land as determined by the city. This measured area may be updated from time to time at the discretion of the Department of Public Works upon evidence of impervious surface area change or the availability of updated or more accurate information.

(c) Fees collected hereunder to fund stormwater services can also be supplemented by other revenues available to the city, including but not limited to state, federal, general and special city funds, and private grants and loans.

5. *That Sections 25-27 and 25-119 are hereby amended to read as follows:*

Sec. 25-27. Fees and fines.

(a) The following fees are hereby established for the issuance of a revocable street and sidewalk occupancy permit:

- (1) Objects other than portable signs, including but not limited to tables, chairs, barricades and bollards, eighty-eight dollars (\$88.00) for one (1) fiscal year or any portion thereof;
- (2) Portable signs, twenty-five dollars (\$25.00) plus twenty cents (\$0.20) per square foot of signage. Square footage is calculated pursuant to section 14-369(b) of the land use ordinance. Permits remain valid until there is a change:
 - a. In the sign dimensions; or
 - b. In the use, lessee or ownership of the business causing a change in the business name, design or dimensions.

(3) Vehicles, equipment, or construction materials, ~~fifteen dollars (\$15.00) per day or any portion thereof~~as follow;

a. The Parking Space Permit shall be \$20.00 per day or any portion thereof;

b. The Sidewalk Permit shall be \$20.00 per day or any portion thereof;

c. The Single Lane Closure Permit shall be \$50.00 per day or any portion thereof; and

d. the Street Closure Permit shall be \$100.00 per day or any portion thereof.

(4) Use of city property (including but not limited to festivals, events, promotions, demonstrations, parades, marches, road races, walkathons, fundraisers, press conferences, rallies, protests, sampling, poll taking, banners and public displays), fee as provided by annual order of the city council;

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(c) The following violation fines are hereby established for the failure to obtain a street occupancy permit or follow an approved management plan for vehicle traffic and/or pedestrian detours:

(1) ~~\$75.00~~125.00 per day for failure to obtain a revocable street and sidewalk occupancy permit; and

(2) ~~\$50.00~~100.00 a day for failure to follow an approved management plan for vehicle traffic and/or pedestrian detours

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Sec. 25-119. Excavator license.

No person or utility shall excavate in a public place without holding a valid excavator's license and obtaining a street opening permit as provided in division 2 of this article, for such work from the city. The public works authority shall issue the excavator's license upon receipt of an application therefor and the annual license fee of ~~\$596.00~~600.00, after having satisfied himself or herself of the competency and

ability of the applicant to carry on the business of excavating. Persons or utilities without a previous work history with the city may be required at the discretion of the director to submit references from responsible municipal officials from other municipalities. No person or utility possessing such license shall allow his or her name to be used by any person or utility, directly or indirectly, either to obtain a permit or to do any work under this license; provided, however, that nothing herein shall be construed to prohibit a licensed excavator from doing such work through an authorized agent or employee who is directly and continuously supervised by him while in the performance thereof. A license issued to an excavator may be revoked after notice and hearing, if it is determined by the city that the licensed excavator has willfully disobeyed any portion of this article or the rules and regulations.

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6. That Section 28-86 is hereby amended to read as follows:

Sec. 28-86. Parking meter rates.

The rate for parking at a meter in the city shall be one dollar and ~~twenty-five~~fifty cents (~~\$1.25~~1.50) per hour as follows: ~~three~~two (~~3~~2) minutes for the first nickel (\$0.05), ~~two~~ (~~2~~) minutes for the second nickel; ~~five~~four (~~5~~4) minutes for a dime (\$0.10); and ~~twelve~~ten (~~12~~10) minutes for a quarter.

BE IT FURTHER ORDERED, that this amendment shall be effective on July 1, 2018.