

## MEMORANDUM

**TO:** Public Safety Committee

**FROM:** Mary Costigan  
Associate Corporation Counsel

**DATE:** June 6, 2008

**RE:** **Minutes of the Public Safety Committee Meeting held on  
May 13, 2008**

Councilor Marshall, Chair of the Public Safety Committee, convened the meeting at 5:45 p.m. with Councilors Duson and Donoghue present. Councilor Skolnik was also in attendance.

The Committee voted unanimously to approve the minutes of the March 11, 2008 meeting.

The Committee then took action on the following items:

Skateboarding: Proposed Amendment to Chapter 25 and Request by PDD to Ban Skateboarding the in the Pedestrian Activities District

Mary Costigan explained the two items before the Committee regarding skateboarding, both offered as potential solutions to the ongoing problems of skateboarders performing tricks in the middle of the street in the old port. The first item was a proposed amendment to Chapter 28 that would explicitly ban the performance of tricks by skateboarders on city streets. The second item was a proposal by the Portland Downtown District (PDD) to ban skateboarding all together in the pedestrian activities district.

Captain Vern Malloch stated that the PPD has received numerous complaints from business owners in the Old Port. He said that the skateboarders who perform tricks in the middle of the street are a danger to drivers and pedestrians and are a public safety hazard.

Jan Beitzer of PDD stated that the problems with skateboarders in the Old Port are recent and that they are a detriment to the Old Port, which is a major shopping and tourism destination. She submitted a petition that was signed by several downtown business owners which states that their business is suffering because customers feel unsafe walking to their business due to the skateboarders. She also submitted emails from business owners regarding the skateboarding on the streets in the Old Port.

Councilor Duson inquired about the history of the skateboarding ordinance. Mary Costigan explained that there used to be two conflicting ordinances in the Code. One said that you could not skateboard on streets or sidewalks unless the Council said you could; the other said that you could skateboard on the streets and sidewalks as long as you abide by the rules of the road. Last year, the Council resolved the conflict by removing the ordinance that prohibited skateboarding and kept the ordinance that permitted it. The Council also passed an Order that prohibits skateboarding on the sidewalks in the yellow zone.

Councilor Marshall requested the calls for service regarding skateboarding complaints.

Dylan Verner spoke on behalf of Skateboarders of Portland. He stated that he uses his skateboard as a form of transportation every day and does not think he should be prohibited from doing so. He submitted a petition entitled "Petition to Continue to Recognize Skateboarding as Transportation" which was signed by numerous individuals. The petition states that skateboarding is a safe form of transportation when done in accordance with traffic laws; that they encourage the PPD to enforce the laws against those who violate them; that they will work on building awareness in the skateboarding community regarding proper conduct; and that they will work with the city to raise funds for a new skate park. He stated that the skateboarders have nowhere to go because the skate park was closed.

Several Old Port business owners spoke on the issue. The owner of Kennedy Studios on Exchange St. stated that the skateboarders are a problem for his business. He said that Exchange St. is a skateboard park and that his customers complain about it. He said he sees the skateboarders skate down Exchange, walk back up and skate down again and that they hit the cars parked on the street.

The owner of Bull Feeneys stated that the problem with skateboarders is severe on lower Exchange St. and that it is a skate park. He said that the skateboarders skate there because they know it is busy and they want an audience. He recommended organizing an event where boarders can demonstrate their skills.

The owner of 399 Fore Street stated that it is hard to do business in Portland and that the skateboarders scare the customers.

The owner of Simply Chic on Exchange St. stated that her customers are very concerned and that the skateboards create a lot of noise. She stated that it is dangerous and is concerned that someone is going to get killed. She noted that skateboarding is not permitted in downtown Portsmouth, NH.

An employee of Abacus on Exchange St. stated that she has witnessed wipeouts and has seen skateboarders hit cars. She said the problem is out of control.

Councilor Skolnik stated that the corners of Federal and Market Streets and Union and Middle Streets are also favored areas for skateboarders. He noted that there seems to be an adversarial, negative dynamic.

Councilor Marshall questioned whether the City's cruising ordinance could be applied to the situation with skateboarders.

Councilor Donoghue stated that there is a definite safety issue and a noise issue and he has gotten complaints from residents about the noise. He said he was interested in expanding the cruising ordinance. With regard to the proposed ordinance amendment banning tricks, he stated that he would like a better definition of tricks. He said a skateboard is a mode of transportation and is not in favor of a ban.

Councilor Duson stated that she is not inclined to ban skateboards from all of the City Streets in the pedestrian activities district. She would like to focus on public safety and have greater enforcement of those who are skateboarding in an unsafe manner. She stated that she

might consider a ban on Exchange Street and some of Fore Street due to the high volume of pedestrian and vehicular traffic. She is concerned that some of the issues stem from a stereotype of who skateboarders are. She said she would consider a ban based on a specific set of factors in a narrow area of the city. She inquired as to whether a motor vehicle statute, such as driving to endanger, would apply.

Councilor Donoghue noted that he would support a ban on skateboards on all sidewalks.

Captain Malloch stated that using the cruising ordinance in this situation would be very difficult to enforce. He also stated that the motor vehicle statutes apply to motor vehicles and not to skateboards.

Councilor Marshall stated that he wants to address the issue and come up with a way to deal with it. He said he would like more information and in the meantime, enforce the currently have and look into posting signs that prohibit skateboarding on the sidewalks. He also stated he wanted more information on the cruising ordinance, noise ordinance and skating to endanger. He also would like to better define trick to align with the traffic laws. He stated that the order that prohibits skateboards on the sidewalks in the yellow zone should be amended to also prohibit bicycles and roller skates.

Councilor Duson stated that she would like a recommendation from staff regarding necessary signage.

#### Proposed Amendment to Chapter 18 Regarding Public Landings

Mary Costigan explained that the purpose of the amendments is to give more flexibility to the City Manager to set use and time limitations for the public landings, because the current ordinance sets the same limitation for all landings. It also makes it clear that a violation of the posted limitations may result in a fine. Harbormaster Jeff Liick stated that the landings that are particularly problematic are Bell Buoy Park and Peaks Island.

Councilor Donoghue questioned whether the problems are a demonstration of a lack of public landings in Portland. Jeff Liick replied that yes, there is a shortage of landings in Portland.

The Committee voted 3-0 to amend the proposed amendment to provide for a waiver fee for violations.

The Committee voted 3-0 to recommend the proposed ordinance amendments as amended to include a waiver fee.

#### Proposed Amendments to Chapter 4 Regarding After Hours Entertainment

Mary Costigan explained that this item was before the full Council and was referred to the Committee for review.

Councilor Skolnik explained that the purpose of the proposed amendments is to allow certain events to take place after 3:00 am with Council approval if it serves a public purpose. He stated that the amendment before the full Council was narrow and applied to a particular event

and that the language now before the Committee was broader to include all events that the Council finds serves a public purpose.

Neil Shankman stated that he is with Project Graduation for Yarmouth High School, which organizes an event for graduating seniors on graduation night that involves traveling to various venues for different events. The purpose of Project Graduation is to provide graduating seniors with a drug and alcohol free graduation night. They had planned on using the Stadium in Portland as one of the venues for this year and would be there until 4:15 am. Thus, the current 3:00 am cut-off in the after-hours entertainment ordinance would bar them from using the Stadium or any other venue in Portland at that hour.

Councilor Donoghue questioned whether the age requirement in the current ordinance language would still apply. Mary Costigan replied yes, an amendment would be necessary to also provide an exception to the age requirement.

Jan Beitzer stated that she was concerned about the breadth of the amendment and would like to see language regarding security and other requirements.

Councilor Duson stated that she was concerned that the language was too broad and wanted to narrow the language to make it clear that it was for a non-recurring, one-time event.

The Committee worked with Mary Costigan to amend the language to address the age requirement and the one-time event and voted 2-0 (Councilor Donoghue had to leave early) to recommend the proposed ordinance amendments as amended.

#### Enforcement of Parking Bans in the Old Port and the Arts District

This item was postponed so the Director of Public Services, Mike Bobinsky could be present.

#### Proposed Amendments to Chapter – Requiring Electronic Reporting by Tow Operators and Pawnshop Owners

This item was postponed to allow for notices to be sent to those affected businesses.

The meeting was adjourned at 8:00 p.m.