

Order 203-13/14

Passage: 7-2 (Donoghue, Marshall) on 4/28/2014

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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)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO CITY CODE CHAPTER 18
(PARKS, RECREATION AND PUBLIC BUILDINGS AND GROUNDS)
Re: Dedication and Protection of City Parks**

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

1. *That Chapter 18 (Parks, Recreation and Public Buildings and Grounds) is amended to read as follows:*

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Art. IA. In General, §§ 18-1--18-~~1510~~

Art. IB. Dedication of Parks and Public Grounds, §§ 18-11-18-15

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ARTICLE IA. IN GENERAL

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Sec. 18-10. Parks Commission.

(a) Findings. The City Council hereby finds that:

(1) Several city parks and public grounds including, but not limited to, Deering Oaks, Eastern Promenade, Western Promenade, Baxter Woods, Baxter Pines, Riverside Golf Course, Payson Park and Stroudwater Park are already all protected by and through deed covenants and restrictions;

(2) The city's cemeteries are already protected by Chapter Seven (7) of the Portland City Code;

(3) The Land Bank has protected twenty-six (26) properties for conservation and preservation purposes;

(4) Therefore, in order to enhance these existing protections on the city's parks and public grounds, the city council hereby amends the city's parks

ordinance as follows:

(b) Established. There shall be a commission composed of thirteen (13) members which shall be known as "Parks Commission," hereinafter referred to as the "commission."

(cb) Composition. One (1) member of the city council, who is on the Transportation, Sustainability and EnergyHealth and Recreation Committee, shall be appointed annually by the city council. One (1) member representing Friends of Deering Oaks; one (1) member representing Friends of the Eastern Promenade; one (1) member representing Friends of Evergreen Cemetery; and one (1) member representing Portland Trails shall be appointed for three-year terms by the city council. SevenEight (78) members representing the public-at-large and one (1) member representing the Land Bank Commission shall be appointed for three-year terms by the city council. Such three-year terms shall be staggered so that no more than three (3) members representing the public-at-large are appointed in any one (1) year. All members shall serve until their successors are appointed, for a period, however, not to exceed sixty (60) days after expiration of the term. The commission may from time to time establish such subcommittees as it deems appropriate.

(de) Duties. The duties of the commission shall include:

- (1) Soliciting, encouraging and accepting private contributions to the city, in cash or in kind, whether by gift, trust, or subject to conditions; provided any gift in kind and that the form of any trust or conditions has been approved by the city council or is ratified by the city council;
- (2) Making recommendations to the city council as to the sale of dedicated parks and public grounds (as described in section 18-14 below) and disposition of trust funds held for parks, trails and open space;
- (3) Maintaining inventories of parks, trails and open space needs as it determines to be desirable;
- (4) Submitting an annual report to the city council regarding the state of the city's parks and

public grounds and making specific recommendations therein about suggested goals and improvements for the parks and public grounds;

(54) Encouraging educational programs, through the schools or otherwise, in forestry education or other relevant subjects it determines to be beneficial to the parks programs of the city;

(65) Undertaking such other activities as to enhance the parks, trails and open space programs of the city as it deems appropriate from time to time;
and-

(76) Conducting an annual meeting of all parks, trails and open space advocacy groups to discuss annual projects and to recommend goals and priorities for capital improvement projects to the city council.

ARTICLE IB. DEDICATION OF PARKS AND PUBLIC GROUNDS

Sec. 18-11. ~~Reserved.~~ Parks and Public Grounds Dedicated.
The following parks and public grounds are hereby subject to the provisions within this Article:

Andrews Square;

Back Cove Park and Trail;

Barrow's Park/Baxter Sundial;

Bayside Park/Stone Street Playground;

Bayside Trail;

Baxter Pines;

Baxter Woods;

Bedford Park;

Bell Buoy Park;

Belmeade Park;

Boothby Square;

Boyd Street Gardens;

Bramhall Square;

Capisic Pond Park;

Caldwell Square;

Clark Street Park;

Congress Square (specifically the remaining 1/3 of Congress Square);

Clark Street Playground;

Deering Oaks Park;

Dougherty Field;

Eastern Promenade Park (including East End Beach and Trail);

Fessenden Park;
Fort Allen Park;
Fort Gorges;
Fort Sumner Park;
Fox Field/Kennedy Park;
Harborview View and Tate-Tyng Park and Playground;
Heseltine Park;
Lincoln Park;
Longfellow Park;
Longfellow Square;
Lobsterman Park;
Marada Adams Playground;
Martin's Point Park;
Monument Square;
Munjoy South Playground;
Nason's Corner Park;
Payson Park;
Peppermint Park;
Pedro Field;
Pleasant Street Park and Playground;
Post Office Park;
Quaker Park;
Riverside Golf Course;
Riverton Trolley Park;
South Street Playground;
Stroudwater Park (Waldo Street and Westbrook Street);
Taylor Street Park;
Tommy's Park;
Trinity Park;
Western Promenade Park; and
Winslow Park.

Sec. 18-12. —Reserved. Use and Maintenance of Parks and Public Grounds. The City shall retain all parks and public grounds dedicated in section 18-11 predominantly in its, natural, scenic, open and/or intended condition. Notwithstanding the foregoing, this provision shall not prevent the City from the following:

(a) Improving or maintaining dedicated parks and public grounds in a manner consistent with the design of the park or public ground or approved master plan;

(b) Using dedicated parks or public grounds for any of the following:

- (1) Athletic contests;
- (2) Playgrounds and/or recreational structures;
- (3) Outdoor restaurant seating;
- (4) Outdoor markets;
- (5) Outdoor performance spaces or performances;
- (6) Signs and other advertising;
- (7) Food trucks or vendors; and/or
- (8) Festivals; or

(c) Granting permits, licenses or leases (no more than one (1) year or less in length) for the use, maintenance and/or improvement of dedicated parks or public grounds.

Sec. 18-13. ~~Reserved.~~ Inalienability of Parks and Public Grounds. Except as authorized in sections 18-12 and 18-14, dedicated parks and public grounds may not be removed from the list in section 18-11, or used, sold and/or permanently disposed of for non-recreational purposes.

Sec. 18-14. ~~Reserved.~~ Disposition of Parks and Public Grounds. Any request to a council committee or the city council to, add or remove a dedicated park or public ground from the list in section 18-11, sell or otherwise permanently dispose of a dedicated park or public ground for non-recreational purposes, or establish a use and/or improvement other than those listed in 18-12, shall be reviewed by the parks commission who shall provide an advisory opinion on any such request prior to review by the council committee and the city council, and shall only become effective upon review and approval by seven (7) members of the city council.

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