

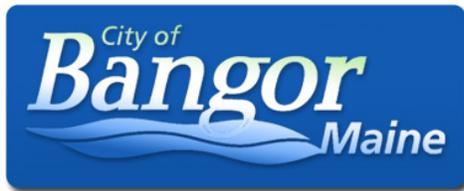
BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, March 8, 2016 5:15 PM
City Council Chambers

AGENDA- REVISED

1. **PUBLIC HEARING** – Amount of Federal Community Development Block Grant Funds expected to be available for the Period July 1, 2016 through June 30, 2017 and the Eligible Uses of Community Development Funds (see attached Memo, Exhibit A & Exhibit B)
2. Amending City's 2007 Public Art and Monument Policy (see attached Memo)
3. Commission on Cultural Development Request to Apply for Grants (see attached Memo)
4. Sign Proposal- Bangor Rotary (materials provided at meeting)
5. **REFERRAL – COUNCIL ORDINANCE 16-088**, Amending Chapter 165, Land Development Code, of the Code of the City of Bangor, By Amending Provisions Dealing with Nonconformities (see attached Memo, Council Action and Council Ordinance)
6. **Executive Session** – Economic Development – Property Disposition – 1 M.R.S.A. § 405(6)(C) (Confidential Memo provided separately)
7. Committee Action on Above Item

MEMORANDUM



TO: Business & Economic Development Committee
FROM: Tyler Collins, Community & Economic Development Officer
DATE: February 24, 2016

Community Development Public Hearing Regarding Use of Community Development Block Grant Funds for Upcoming Fiscal Year

Federal Community Development Block Grant regulations require that the City hold at least two public hearings prior to the start of planning for the CDBG Consolidated Plan required to be submitted to HUD by May 15, 2016. At the Tuesday, March 8th Business & Economic Development Committee meeting, the Committee will hold the first of the two required public hearings. The purpose of this hearing is to present the amount of funds expected to be available for the CDBG Program Year that will begin on July 1, 2016 and to identify the eligible activities that may be funded with the federal Department of Housing & Urban Development (HUD) Community Development Block Grant (CDBG) funds. Public input is invited regarding the housing and community development needs of Bangor, and suggestions, recommendations, and ideas of how the CDBG funds could and should be used to address these needs. Public input may be presented in person at the public hearing or submitted in writing to the Community Development Office prior to the second public hearing that will be held by the Committee May 3rd, prior to the Consolidated Plan's submission to HUD.

The following information is provided to the Committee for its information on the eligible uses of CDBG funds. There are three types of activities that are eligible: (1) activities that benefit low or moderate-income persons (a minimum of 70% of CDBG funds must be used for activities in this category), (2) activities that aid in the prevention or elimination of slums or blight, or (3) activities that meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs (typically used for disaster emergency relief).

This year's Community Development budget is expected to consist of an annual HUD Entitlement grant of approximately \$771,681. An estimated \$250,000 will also be included from program income primarily derived from repayment of loans made through the City's Community Development Residential Property Rehabilitation and Business Development loan programs. The total amount of Community Development funds expected to be available for the year beginning July 1, 2016 is \$1,021,681. Of this amount, we expect to budget 20%, or \$204,337, for program administration, the maximum allowed by HUD.

ELIGIBLE ACTIVITIES

Activities that take place in low and moderate-income neighborhoods are eligible for Community Development funding, as the activities are considered to principally benefit the low and moderate-income residents. Activities in other neighborhoods of the City are not eligible for Community Development funding unless they are designed to principally benefit low and moderate income persons. Examples of activities that directly benefit low and moderate-income persons include rehabilitation of housing owned or occupied by low and moderate-income persons, and any necessary temporary relocation of low and moderate-income households; activities to remove architectural barriers to persons with disabilities, public services to low and moderate-income persons and assistance to other entities that result in the creation or retention of jobs principally for persons of low and moderate-income. Each of these activities must meet specific HUD requirements.

Activities which meet the slum and blight eligibility criteria, but which do not meet the low and moderate-income benefit criteria, may account for no more than 30% of the funds expended during a 3-year period. These may include downtown and waterfront public improvements; property acquisition, demolition, disposition, and relocation of any displaced businesses, or residential tenants; environmental remediation; and project planning.

Attached as Exhibit A is an overview of the Eligible CDBG Activities.

POTENTIAL ACTIVITIES FOR FUNDING

It is anticipated that the fiscal year budget will continue the general activities of the previous few years. Those include:

- Continued Residential Property Rehabilitation financing and administration
- Planning and Design of Community Development projects
- Business Development Assistance/Facade Improvement financing
- Acquisition, demolition and clearance of dilapidated properties when rehabilitation is not feasible
- American Disability Act Handicap Access improvements
- Community Development program administration
- Street and sidewalk replacement in eligible neighborhoods
- Nonprofit Grant Program

Attachments:

Exhibit A - Eligible CDBG Activities

Exhibit B – Previous Bangor 5-Year Strategic Plan Overview



ELIGIBLE CDBG ACTIVITIES

➤ Real Property & Housing-related activities:

- Acquisition of land and of buildings. 570.201 (a)
- Disposition of land or buildings. 570.201 (b)
- Installation or construction of a public facility-such as a park or shelter for homeless persons, or a public improvement, such as a paved road or water/sewer system. 570.201 (c)
- Clearance and demolition. 570.201 (d)
- Interim assistance for limited activities in deteriorated areas that require immediate action. 570.201 (f)
- Completion of Urban Renewal projects. 570.201 (h)
- Housing services in support of the HOME program, such as pre-purchase counseling or administrative costs to operate a tenant based rental assistance program. 570.201 (k)
- Acquisition, construction, installation or improvement of privately owned utilities. 570.201 (n)
- Homeownership assistance, such as down payment assistance or mortgage interest subsidy for homebuyers. 570.201 (n)
- Rehabilitation of properties, including: 570.202 (a)
 - ✓ Private-owned homes
 - ✓ Publicly-owned residential housing
 - ✓ Publicly or privately-owned commercial or industrial buildings
 - ✓ Nonresidential buildings owned by nonprofits
 - ✓ Manufactured housing when it is part of the permanent housing supply
- Code Enforcement. 570.202 (c)
- Historic Preservation. 570.202 (d)
- Renovation of closed buildings. 570.202 (e)
- Lead-based paint testing, evaluation, reduction, clearance. 570.202 (f)

➤ Public Services activities. 570.201 (e)

- A non-exhaustive list of eligible services includes:
 - ✓ Employment training
 - ✓ Crime prevention
 - ✓ Child care
 - ✓ Health and drug abuse care and education
 - ✓ Fair housing and homebuyer pre-purchase counseling
 - ✓ Energy conservation
 - ✓ Recreation

➤ Economic Development activities. 570.203, 570.204 and 570.201 (o)

- Examples of special economic development activities include:
 - ✓ Acquisition, construction, rehabilitation or installation of commercial industrial buildings or railroad spurs.
 - ✓ Grants, loans, loan guarantees, interest subsidies to businesses
 - ✓ Administrative costs directly related to economic development projects
 - ✓ Special activities by Community-Based Community Development organizations (CBDOs) that are part of a broader effort to revitalize a neighborhood.
 - ✓ Assistance to micro-enterprises, such as loans, grants, technical assistance, or supportive services.

➤ Planning and Administration. 570.205

- Examples of activities eligible under this category are:
 - ✓ Preparation of general plans such as the Consolidated Plan
 - ✓ Functional plans such as housing plans
 - ✓ Neighborhood plans and general historic preservation plans
 - ✓ Policy planning, management and capacity building activities
 - ✓ General program administration -- Does not include costs to directly deliver a specific project; Includes general management, office expenses, travel, legal services, and salaries. Includes public information. Fair Housing activities, indirect costs, and preparation of applications for federal funds.

➤ Other Types of Assistance

- Payment of the non-Federal share of funds required by another Federal grant. Funds must be used for CDBG-eligible activities and the other grant must be part of CDBG activities. 570.201 (g)
- Urban Renewal completion. 570.201 (g)
- Relocation costs incurred by displacement from CDBG projects. 570.201 (i)
- Loss of rental income by owners holding units for persons displaced by CDBG projects. 570.201 (j)
- Technical assistance to public or non-profit entities to increase their capacity to undertake eligible neighborhood revitalization of economic development activities. 570.201 (p)
- Assistance to institutions of higher education when the grantee determines that they are capable and eligible to carry out CDBG eligible activities.

Bangor Five Year Strategic Plan Overview

Affordable Housing

Household Categories:

Highest Priority – All homeless individuals and households and very low-income elderly renter households and very low-income large renter families

Medium Priority – All persons with special needs, all low-income existing homeowners; all low-income small, related renter households; other low-income renter large households and all other low-income renter households; and all low-income first-time homebuyers.

Low Priority – All other first-time homebuyers

Activity Priorities (Highest priority to lowest)

1. Residential rehabilitation of housing occupied by or available to low-income households.
2. Rental assistance through increase availability of Section 8 existing housing certificates and vouchers.
3. Conversion of vacant residential and non-residential properties into affordable housing by private for-profits and property-tax-paying non-profits.
4. Advocating affordable housing financing which allows non-profits sufficient after-debt-service cash flow to make payments-in-lieu-of-taxes to the municipality to cover the cost of essential services.
5. Conversion of vacant residential and non-residential properties into affordable housing by non-profits who will make payments-in-lieu-of-taxes to the municipality to cover the cost of essential services.
6. Family self-sufficiency assistance for volunteer households living in, or eligible for, public housing or Section 8 housing who will work toward freedom from public assistance.
7. Expand communications, coordination and cooperation among the city of Bangor and public and private sector providers of affordable housing and related services to eliminate duplication or conflicting efforts and to facilitate the efficient and timely expansion of needed affordable housing opportunities.
8. Expansion of municipal code enforcement activities aimed at improving the condition of publicly subsidized private housing.

High Priority: Very low-income and other low-income (0-50%), elderly 1&2 member, renter households (combined grouping)

Activities:

Primary - Rehabilitation of the existing rental housing stock to preserve the existing inventory of affordable, but aging and substandard housing.

Secondary – If the demand for affordable elderly units exceed the market rate units available for conversion, new construction may be appropriate.

Secondary – Once adequate, standard, affordable housing is available for low-income elderly persons another activity of providing support facilities and services as needed by the low-income elderly. These may include:

- Subsidized or low-cost public or on-demand transportation
- Low-cost on-site prepared or delivered meals
- Visits by public health nurses, home health care providers, volunteer companions, social workers and psychological or spiritual counselors
- Assistance with shopping, housekeeping, laundry and personal care
- Medical exams, treatment and medications
- Group social activities, trips, entertainment, exercise classes and recreation
- Providing libraries and access to computers and internet services

High Priority: Very low-income (31-50%) and other low-income, large related renter households

Activities: Increasing the supply of rental units for large households by:

Primary – Rehabilitation

- Affirmatively target the Residential Property Rehabilitation Loan Program to units suitable for and occupied by or available to large households

Secondary – Acquisition, new construction and support facilities and services

- Encourage BHA to establish a priority for large related households on the Public Housing waiting list to be assigned available 3 or more bedroom units ahead of smaller households who may be higher on the list. This affirmative action would help to offset the much higher occupancy of these large units by smaller families
- Encourage Congress to require Public Housing and all affordable housing receiving federal subsidies, financing assistance or investment tax credits to pay their full share of local property taxes.
- Encourage HUD, Maine Housing and other providers of assistance and subsidies to affordable housing to require them to make available a number of affordable units suitable for large households.

High Priority: Very low-income (0-50%) and other low-income homeless individuals and families

Activities:

Primary

- Rehabilitation of existing or newly established shelters for additional shelter capacity, primarily the addition of private and secure shelter rooms for families and households with children
- Provision of supportive facilities and services (meals, laundry, clothing, case mgt. counseling, meds, transportation, job search etc.)

Secondary

- Rehabilitation assistance to existing or newly established shelters, to increase capacity, resolve code and life safety deficiencies, improve operating efficiency and make ADA modification and improvements.
- Assistance for the construction of, or conversion of existing structure to, new shelters, shelter plus care facilities, supported living facilities and transition housing.

High Priority: Very low-income (0-50%) and other low-income homeless youth

Activities:

Primary

- Income Maintenance Programs provide teens with income (cash or vouchers) to purchase basic necessities (food, housing, clothing etc.)
- Residential Services are various types of substitute care available when a teen can no longer live at home. The major precept of substitute care is to place teens in the least restrictive environment possible.
- Inpatient and outpatient substance abuse services. Indigent patients face long waiting lists that can delay treatment for weeks or even months.
- Mental Health Services where outpatient services are more readily available than inpatient. However neither are available in an amount equal to the existing need.
- Outreach services are provided by Streetlight Project. Two workers who go out on the streets of Bangor making contact with teens and gaining trust. They refer to available services while working to help them find an alternative to life on the streets.
- The soup kitchen at the Salvation Army offers a hot noon meal five days a week. Manna, Inc serves a free hot supper five evening a week with 60-80 people served at each meal. These are the only meals available unless they are staying in one of the shelters.

Medium Priority: Very low-income (0-50%) and other low-income, small related renter households and all other renter households

Activities:

Primary – Rehabilitation

Secondary – rental assistance, new construction and support facilities and services

Medium Priority: Existing Homeowners

Activities: Rehabilitation

Medium Priority: Low income 1st time homebuyers

Activities: Maine Housing programs, private lending institutions and rehabilitation

Medium Priority: Non-homeless low-income Persons with special needs

Activities: Transportation, Education, Meals, Legal Services, Crisis Intervention, Home Care services, Case mgt. referral and counseling,

Low Priority: All other homebuyers (combined grouping)

Activities: Maine Housing programs, private lending institutions and rehabilitation

Economic Development

Strengthen and diversify the economic base of the community:

- Create a variety of job opportunities for all elements of the labor force, provide good pay and benefits
- Reduce vulnerability to recession and declining trends in industries through diversification and increased market penetration

Improve the quality of life:

- Promote jobs and economic diversity
- Preserve, protect and strengthen neighborhoods and natural areas, stabilize the property tax base and seek alternative sources of revenue such as local option tax
- Make Bangor more attractive to new residents and businesses through more effective promotion and media penetration
- Provide youth and elderly residents with incentive to stay in Bangor

Target Specific Opportunities:

- Assist the reuse/redevelopment of the Bangor Waterworks, the waterfront, downtown former department store buildings, vacant airport and University College buildings and former industrial buildings
- Improve transportation connections to Southern Maine, New England, the maritime provinces and Europe by increased promotion of BIA, support extension of Amtrak service to Bangor, cooperate with State efforts on high speed ferry and rail connections to the coast etc.
- Promote location advantages, telecommunications facilities and transportation infrastructure including rail, highways, airport, pipelines and seaports
- Facilitate the redevelopment of the former rail yard at the waterfront

Create financial incentives:

- Retain and facilitate the expansion of existing businesses
- Enhance the City's ability to attract economic development through increased promotion and staffing
- Seek available resources from Federal, State and local and private sources
- Utilize tax increment financing, infrastructure improvements and gap financing to assist the development of vacant, underutilized and undeveloped properties

Strengthen Bangor's infrastructure to promote economic development:

- Support the creation of an airport/waterfront rail link
- Seek funds to continue the waterfront park and trail system into the Bass Park complex, stabilize the river shore in the rail yard area and create recreation amenities
- Encourage the development of the East-West highway and improved regional linkages
- Promote improved and expanded jet passenger service to national and international destinations

Enhance higher education and research and development opportunities:

- Improve education and training for higher levels of job skills
- Support increased funding for research in those areas that utilize available resources

Enhance the linkages between job training and placement and job creation and retention:

- Expand existing job training and employment services, including those for residents of subsidized and transitional housing
- Develop a comprehensive strategy to link the needs of business and industry with training resources

Strengthen and diversify the city's central business district:

- Reduce the vacancy in downtown's buildings
- Encourage promotional efforts and events designed to bring shoppers and visitors to the downtown
- Encourage developments in the waterfront area that will attract more tourists into the downtown area

Anti-Poverty Plan

The purpose of this plan is to identify strategies intended to reduce the detrimental impacts of poverty on the citizens, quality of life and economic well being of Bangor.

Strategies:

- Job creation and economic development
- Provision of housing and essential services
- Development of mechanisms to deliver social services and make jobs accessible to those living in poverty or threatened by it
- Maintenance of a broad range of educational and training programs

Property Acquisition, Relocation & Demolition

There are a number of residential and non-residential candidates for acquisition and demolition because they are blighting influences, deteriorated beyond feasible rehabilitation, present hazardous situation or otherwise deter development of job creation projects.

Property Demolition and Clearance

A modest number of residential properties exist in the City of Bangor which have not been maintained in a condition suitable for human habitation and have reached a degree of deterioration which makes their rehabilitation economically non-feasible.

MEMORANDUM

TO: Business & Economic Development Committee
FROM: Kierie Piccininni, Chair
Commission on Cultural Development
RE: Amending City's 2007 Public Art and Monument Policy
DATE: February 25, 2016

The Commission on Cultural Development proposes an amendment to the City's 2007 Public Art and Monument Policy. The current policy states it is to be reviewed periodically by the Commission, whom shall propose additions and revisions.

While the 2007 policy outlines the public art and monument review process, it lacks thorough investigation of the City's temporary or permanent acquisition of commissioned vs donated works; the de-accession process; and perhaps most importantly, the continued preservation of existing works within the collection as well as the ensured maintenance of future works. The Commission views these as critical components to any Public Art and Monument Policy, if the City is to properly care for its assets now and in perpetuity on behalf of its citizens.

The Commission preserved the existing framework of the 2007 policy and researched (1) the policies of equally-sized cities to Bangor which hold a similar number of public artworks and monuments, and (2) the policies of larger cities with extensive collections. Before submission to City staff for review and the Business & Economic Development Committee for approval, the Commission consulted with executive director of UMaine Museum of Art, George Kinghorn, on the proposed amendment.

MEMORANDUM

TO: Business & Economic Development Committee
FROM: Kierie Piccininni, Chair
Commission on Cultural Development
RE: Request to Apply for Grants
DATE: February 18, 2016

The Commission on Cultural Development would like to apply for a number of grants in the next four months. Any funds acquired would be used to fuel Commission initiatives as outlined in the five-year Cultural Policy approved by Council at the end of 2014.

ArtPlace America - National Creative Placemaking Fund

Due in March

Amount requested: \$250,000

Description: This grant would fund Artober for a five-year period to ensure sustaining development of October arts and culture programming for the duration of the Commission's cultural policy and two additional years.

Maine Arts Commission - Creative Communities = Economic Development (CCED) Grant

Due in March

Amount requested: \$75,000

Description: This grant can fund a portion of Artober for a three-year period to ensure sustaining development of October arts and culture programming for the duration of the Commission's cultural policy. The larger portion of this grant will create a three-year, part-time director who can work directly within the Commission and with Commissioners; as done with Belfast Creative Coalition and CreativePortland, such a position will provide consistency of messaging, programs, and projects within the Commission so the City can effectively leverage economic development opportunities Bangor's arts industry has to offer.

New England Foundation for the Arts - New England States Touring (NEST) Fund

Due in June

Amount requested: \$250,000

Description: This grant would fund Artober programming specifically to draw New England-based talent to October arts and culture programming. Local nonprofit organizations would work collaboratively with the Commission to tap talent resources.

Bangor Savings Bank Foundation

Due in April or July

Amount requested: \$5,000

Description: This grant will request a contribution to general the optional cultural investment fund to aid in financing of Commission initiatives, specifically Artober or the redevelopment of BangorArts.org, a website servicing the City's nonprofits.

Machias Savings Bank Foundation

Rolling deadline

Amount requested: \$5,000

Description: This grant will request a contribution to general the optional cultural investment fund to aid in financing of Commission initiatives, specifically Artober or the redevelopment of BangorArts.org, a website servicing the City's nonprofits.

Kresge Foundation – Trailblazers Grant or Infiltrating New Sectors Grant

Rolling deadline

Amount requested: up to \$250,000

Description: This grant would fund Artober for a three- or five-year period to ensure sustaining development of October arts and culture programming for the duration of the Commission's cultural policy and two additional years.

Memorandum

To: Business and Economic Development Committee
From: Paul Nicklas, Assistant City Solicitor
Date: March 8, 2016
Re: Nonconformities

This ordinance would amend Chapter 165 of the Land Development Code dealing with nonconforming properties. Prior to 1991, City zoning often allowed single family homes to be converted to multiple residential units. After 1991, the City changed the Code to prohibit these conversions in many parts of the City where they had previously been allowed, thus creating a number of legal nonconformities.

Under the current ordinance in the Code, if the property is not used for a period of one year, the legal nonconformity ceases to exist and the property must be redeveloped to a conforming use. While such nonconformities are discouraged, it is sometimes impractical to require their elimination. As a result of the recent surge in foreclosures, residential properties sometimes are vacant for several years before they can be sold and brought back into beneficial use. The problem is that these legally created non-conforming uses are too expensive and challenging to convert back to single family use. As a result, they are left vacant and deteriorating.

If approved, this ordinance amendment would allow nonconforming residential units that otherwise comply with the Code to retain their nonconforming use as long as they are not changed to another use, destroyed, or vacant for seven years. The goal is to prevent the indefinite vacancy and degradation of nonconforming buildings that were legally created. The ordinance would make other minor changes to the nonconformities ordinance, including allowing nonconforming uses to change to permitted uses without site plan approval unless otherwise required.

An earlier version of this ordinance amendment was discussed at the Business & Economic Development Committee on December 8, 2015. The Planning Board later recommended allowing nonconforming residential units to be vacant for a shorter period than the ten years originally proposed, and recommended the current, seven-year version of the ordinance at their meeting on February 16, 2016 by a vote of 4-2.

COUNCIL ACTION

Item No. 16-088

Date: February 8, 2015

Item/Subject: **ORDINANCE**, Amending Chapter 165, Land Development Code, of the Code of the City of Bangor, By Amending Provisions Dealing with Nonconformities

Responsible Department: Code

Commentary: This ordinance would amend Chapter 165 of the Land Development Code dealing with nonconforming properties. Prior to 1991, City zoning often allowed single family homes to be converted to multiple residential units. After 1991, the City changed the ordinance to prohibit these conversions in many parts of the City where they had previously been allowed, thus creating a number of legal non-conformities.

Under the ordinance, if the property is not used for a period of one year, the legal non-conformity ceases to exist and the property must be redeveloped to a conforming use. While such nonconformities are discouraged, it is sometimes impractical to require their elimination. As a result of the recent surge in foreclosures, residential properties sometimes are vacant for several years before they can be sold and brought back into beneficial use. The problem is that these legally created non-conforming uses are too expensive and challenging to convert back to single family use. As a result, they are left vacant and deteriorating.

If approved, this ordinance amendment would allow nonconforming residential units that otherwise comply with the Code to retain their nonconforming use as long as they are not changed to another use, destroyed, or vacant for seven years. The goal is to prevent the indefinite vacancy and degradation of nonconforming buildings that were legally created. The ordinance would make other minor changes to the nonconformities ordinance, including allowing nonconforming uses to change to permitted uses without site plan approval unless otherwise required. This item was discussed at the Business and Economic Development Committee on December 8, 2015 and the Planning Board on January 19, 2016. The Planning Board recommended allowing nonconforming residential units to be vacant for a shorter period than the 10 years originally proposed ordinance.

Department Head

Manager's Comments:

City Manager

Associated Information: Ordinance

Budget Approval:

Finance Director

Legal Approval:

City Solicitor

Introduced for

Passage

First Reading

Referral to the B&ED Committee and Planning Board on February 16, 2016



Assigned to Councilor Graham

CITY OF BANGOR

ORDINANCE, Amending Chapter 165, Land Development Code, of the Code of the City of Bangor,
By Amending Provisions Dealing with Nonconformities

WHEREAS, many parcels in Bangor have uses which, while at one time allowed, are now considered nonconforming under the Land Development Code;

WHEREAS, the City strongly discourages nonconformities, but recognizes that in some cases it is impractical to require their elimination;

WHEREAS, the City has strong interests in preventing blight and preserving the housing stock of the City;

WHEREAS, nonconforming residential buildings are sometimes left vacant for several years, in particular if foreclosed upon, but would not be financially viable if brought into compliance with the zoning requirements of their parcel, and so continue to be left vacant;

WHEREAS, to discourage nonconformities, owners of damaged or destroyed nonconforming buildings should not be allowed unlimited time to rebuild their nonconforming building; and

WHEREAS, changes from a nonconforming to a conforming use should not, per se, require site development plan approval;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANGOR AS FOLLOWS, THAT

Chapter 165 of the Code of the City of Bangor be amended as follows:

§ 165-17. Discontinuance.

- A. If any nonconforming use is discontinued for 12 consecutive months it shall be deemed abandoned, and the right to continue it shall terminate; provided, however, that even after such discontinuance a conforming or conditional use may be established in accordance with § 165-20 below.
- B. Notwithstanding subsection A above, a nonconforming residential unit otherwise in compliance with this Code of Ordinances may, upon application for and receipt of a Certificate of Occupancy, retain its nonconforming residential use so long as it has not been vacant for a period of 7 years or longer, changed to another use, or destroyed.

§ 165-18. Restoration of nonconforming use.

- A. If any building or structure housing a nonconforming use is damaged, destroyed or decays to the extent that the cost of restoration of such damage, destruction or decay exceeds 50% of the appraised fair market value of the building or structure prior to such damage, destruction or decay, the nonconforming use may not be restored, and the right to continue it shall terminate. In the absence of a prior appraisal, the term "fair market value," as used in this subsection, shall mean the City of Bangor assessed valuation of the building or structure only, adjusted to 100% of state assessed value on the most recent date prior to the damage, destruction or decay to be restored, provided that nothing in this subsection shall prohibit establishment of a conforming or conditional use in accordance with § 165-20 below.
- B. Notwithstanding the provisions of Subsection A above, any legally established residential nonconforming use in an Urban Residence 1 District or an Urban Residence 2 District which is destroyed or damaged may be reconstructed pursuant to a building permit obtained within three years of its destruction or damage, subject to the following conditions:
- (1) No more dwelling units may be installed in the structure housing such residential nonconforming use than were legally established prior to the passage of this chapter.
 - (2) No more than three dwelling units in addition to that permitted under the district provisions shall be permitted.
 - (3) The gross floor area contained in the preexisting structure shall not be increased in the reconstructed structure.
 - (4) Any and all development standards of the zoning district which, in the opinion of the Code Enforcement Officer, can reasonably be met at the time of reconstruction shall be met.

...

§ 165-20. Change to conforming use.

~~Subject to site development plan approval by the Planning Board pursuant to Article XVI~~ any required approvals, a nonconforming use may be changed to a use which is a permitted use in the zone in which it is located. Subject to treatment as a conditional use pursuant to § 165-9, a nonconforming use may be changed to a use which is a conditional use in the district in which it is located.

...

§ 165-111. Site developments requiring permit.

- A. Any activity covered under this chapter shall require a land development permit under the following conditions:
- (1) Any conditional use.
 - (2) ~~Any change in use of a nonconforming use.~~

...

Additions are underlined, deletions ~~struck through~~.

VEHICLES FOR HIRE

§ 278-1. Definitions.

For the purposes of this chapter, the following terms are to be deemed and construed to have the meanings indicated in this section:

BUS

An unmetered commercial passenger vehicle which carries more than 15 persons, including the driver, and operates on a fixed route for a fare.

BUSINESS LICENSE YEAR

The period of time commencing on the sixteenth day of May of one year and expiring on the fifteenth day of May of the following year.

CITY

The City of Bangor.

CITY COUNCIL

The City Council of the City of Bangor as established by Article II of the Charter of the City of Bangor.

COURTESY VEHICLE

A commercial vehicle service that carries passengers over a short distance to or from a fixed destination (e.g. the airport) at no charge to the customer.

DISPATCH CENTER

Any person, firm, association, partnership or corporation that provides dispatching services, including any form of electronic dispatch, to owners of taxicabs or liveries, in the City of Bangor.

DRIVER

Any person who is engaged in the driving of a taxicab or livery for hire.

EMPLOYED BY OR EMPLOYEE

Includes, but is not limited to, any employee, independent contractor, lessee or person permitted to drive a taxicab or livery of the business licensee.

FOR HIRE

The transportation of passengers for compensation.

LIVERY

A motor vehicle used for the transportation of passengers for hire, having the following characteristics:

- A. A seating capacity of at least three and no more than fifteen passengers behind the driver's seat;
- B. Hired by means of a request or contract arranged in advance of the time transportation is needed;
- C. Charge is by flat fee or by the minute;
- D. A price estimate is provided to the customer in advance of pickup; and
- E. Does not operate on a fixed route.

LIMOUSINE

Any unmetered luxury vehicle designed to carry no less than five and not more than fourteen passengers behind the driver's seat which is of a type built or modified for use as a luxury "stretch limousine" and is used for the transportation of passengers for-hire, solely by pre-arrangement, on a reserved hourly or flat rate basis.

OPERATE

The act of driving, attempting to drive, or exercising control over a vehicle.

OWNER

The person, firm, association, partnership or corporation to whom or to which a taxicab or livery business license has been issued.

TAXICAB

A motor vehicle used for the transportation of passengers for hire, having the following characteristics:

- A. A seating capacity of nine passengers or fewer, including the driver;
- B. Operated on call and demand;
- C. Operated without fixed routes or termini;
- D. The destination and route of which are under the control of the passenger or passengers being carried therein; and
- E. The fares for which are at rates per mile, or fraction thereof, or wait time, or both.

TAXIMETER

A mechanical instrument or device by which the fare for hire of the taxicab is automatically calculated, either for distance traveled or waiting time or both, and plainly and accurately indicated in figures that are illuminated and clearly visible to the passenger.

§ 278-2. Applicability.

- A. The provisions of this article shall apply to taxicabs and liveries which operate within Bangor City limits.
- B. The following vehicles are exempt from the provisions of this Chapter except as otherwise indicated herein.
 - 1. Limousines.
 - 2. Buses.
 - 3. Courtesy vehicles.
 - 4. Livery operators which hold a current interstate operating authority from the Federal Motor Carrier Safety Administration and the liveries covered by such interstate operating authority.
 - 5. Vehicles used solely in connection with transportation for funerals.
 - 6. Vehicles being used to conduct prearranged rides on behalf of a transportation network company by a transportation network company driver, as defined in 24-A M.R.S § 7302.
- C. No livery or limousine shall operate as a taxicab nor accept passengers on a "hail" or walk-up basis.

§ 278-3. Permitted For-Hire vehicles.

No person shall operate or cause to be operated any vehicle transporting passengers for hire unless they are operating a licensed taxicab or livery, or a vehicle qualifying as exempt under § 278-2(B).

§ 278-4. Licenses Required.

- A. It shall be unlawful for any person to operate or cause to be operated in the City of Bangor any taxicab or livery unless such taxicab or livery is covered by a business license provided for by § 278-5 of this chapter; provided, nevertheless, that it shall not be deemed to be the operation of a taxicab or livery or the causing of a taxicab or livery to be operated within the meaning of this chapter if an owner licensed to operate a taxicab or livery in any municipality which grants the same rights as are granted herein to taxicabs and liveries licensed in the City of Bangor shall, upon previous call therefore, take a passenger or

passengers from Bangor to the City in which such taxicab or livery is licensed or to Bangor from the City in which such taxicab or livery is licensed.

- B. Business license. Each taxicab or livery business, whether an individual, corporation, d/b/a, limited liability corporation, partnership, or other legal entity, shall obtain a taxicab or livery license from the City Clerk's office prior to permitting the operation of any taxicab or livery vehicles in the city. A taxicab or livery business license shall be obtained which covers all vehicles which will be used under the license. There shall be a fee for each vehicle listed on the business license in accordance with Chapter 109 of this Code. Only those vehicles listed on the business license may be used by the licensee as a taxicab or livery in the city. Vehicles can only be used for one purpose, i.e. either a taxicab or livery, and can only be listed on one license, either a taxicab business license or a livery business license.
- C. Driver's license. No person shall operate a taxicab or livery, whether or not carrying passengers, within the city unless such taxicab or livery is covered by a taxicab or livery business license and the driver thereof is currently licensed by the city to operate a taxicab or livery; except when a taxicab or livery is clearly marked on at least one door per side of the vehicle with a magnetic "out of service" sign with letters no less than 2.5 inches in height, an unlicensed driver may operate the taxicab or livery for the following purposes:
 - (a) A mechanic operating the vehicle for the purpose of diagnosing a problem or testing to assure that a mechanical issue is resolved.
 - (b) Any individual operating the vehicle for the purpose of moving it between locations while not in operation as a taxicab or livery.
- D. Licenses non-transferable. Licenses issued hereunder are not transferable.

§ 278-5. Taxicab or Livery Business License.

- A. A taxicab or livery business license shall be issued upon compliance with the following:
 - (1) Applicants shall obtain and complete application forms from the City Clerk's Office.
 - (2) Every application shall be signed and verified by each of the principal officers of the applicant if the applicant is a corporation, and in all other cases by all persons having an actual ownership interest in the applicant. All applications shall state the name, address, and phone number of every person having management authority in the business of the applicant.
 - (3) Applicant shall provide a comprehensive list including the make, model, passenger capacity, year, vehicle identification number (VIN), taxicab or livery identification number and license plate number of each vehicle which is to be covered by the taxicab or livery business license.

- (4) Applicants for a taxicab business license shall obtain from the Sealer of Weights and Measures, at their own cost, a written statement that the taximeter installed in each taxicab for which the taxicab business license is sought complies with the requirements of Subsection B, below.
 - (5) Applicants shall obtain from the Chief of Police, or his or her designee, a written statement that an inspection has been made of each taxicab or livery for which the taxicab or livery business license is sought and each taxicab or livery has been found to be safe and suitable for taxicab or livery service in accordance with Subsection D, below.
 - (6) Applicant shall submit to the City Clerk the applicable items listed in Subsection A(1) through (5) above, the nonrefundable annual fee for a taxicab or livery business license as provided for in § 278-4(B), a valid State of Maine motor vehicle registration certificate for each vehicle listed in Subsection (3), and certificate(s) of insurance from a reputable insurance agency stating that the vehicles for which the taxicab or livery business license is sought ~~is~~ are insured in accordance with Subsection E, below and listing the City of Bangor as an additional insured.
 - (7) A person or business may obtain both a livery and taxicab business license, but there must be a separate application form and fee for each such license. A vehicle may not be licensed nor used as both a taxicab and a livery.
- B. Taximeters. Every taxicab shall be equipped with a taximeter tested, approved and sealed by the Sealer of Weights and Measures which accurately calculates no more than the maximum rates of fare hereinafter set forth and mileage by means of clear and distinct figures which are electronically illuminated during the period between sunset and sunrise, and which clearly indicates the type of fare being charged, mileage and/or time. The taximeter shall be placed so that the figures are in plain view of all passengers. The taximeter shall be permanently affixed to the taxicab and sealed by the Sealer of Weights and Measures. It shall be the responsibility of the owner to submit his or her taxicab or taxicabs for inspection to the Sealer of Weights and Measures. If, upon inspection of the taximeter, the Sealer of Weights and Measures determines that the taximeter meets the requirements of this section, he or she shall issue a statement stating that the taximeter complies with the requirements of this section.
- C. Updates. It is the responsibility of the applicant to update, in the City Clerk's office, the list of vehicles covered by the taxicab or livery business license throughout the year if any vehicles are removed from or added to the taxicab or livery business fleet. A fee will be charged for each vehicle added in accordance with Chapter 109 of this Code. The City Clerk must be notified of a vehicle being added to the fleet within 15 days of completing the taxicab or livery inspection, and before the vehicle is put in service. It is also the responsibility of the applicant to update, in the City Clerk's office, the list of licensed drivers operating their taxicabs or liveries throughout the year if drivers are hired or no longer employed by the taxicab or livery business licensee; notification must be provided within 15 days of the driver being hired or employment

terminating and before the driver begins operating a taxicab or livery, and must include the driver's current address and telephone number. Failure to update the list shall result in the automatic suspension of the taxicab or livery business license until the list is updated and a reinstatement fee of as set out in Chapter 109 of this Code is paid.

D. Inspection of Taxicabs.

- (1) Frequency. The Chief of Police, or his or her authorized agent, shall have the authority to inspect, or cause to be inspected, any and all taxicabs and liveries so as to ensure that any taxicab or livery is safe and suitable for taxicab or livery service as follows:
 - (a) Prior to issuance of any new taxicab or livery business license;
 - (b) Once each calendar year prior to the renewal of any existing taxicab or livery business license;
 - (c) Prior to adding a taxicab or livery to a taxicab or livery business license; and
 - (d) At any other time, at the discretion of the Chief of Police or his or her authorized agent.
- (2) Scope. During any taxicab or livery inspection, the Chief of Police or his or her authorized agent shall inspect each taxicab or livery and find that such vehicle:
 - (a) Has a valid State of Maine motor vehicle registration certificate;
 - (b) Has a valid State of Maine inspection sticker placed on the windshield in accordance with state law issued the same month or the month immediately preceding the inspection by the Chief of Police, or his or her designee;
 - (c) In the case of a taxicab, is equipped with a sealed taximeter placed in accordance with Subsection B of this section;
 - (d) Meets the identifying lights and identifying markings requirements of § 278-58 of this chapter;
 - (e) In the case of a taxicab, meets the fare markings requirements of § 278-9 of this chapter;
 - (f) Has a "No Smoking" sign clearly visible on all passenger windows inside the taxicab or livery.
 - (g) Has an emergency brake in good operating condition;
 - (h) Has operable headlights, to include high and low beams;
 - (i) Has operable directional signals;
 - (j) Has operable brake lights;

- (k) Has tires which comply with existing statutes, rules and regulates relating to State of Maine inspection laws;
 - (l) Is in a clean and sanitary condition, inside and out, with no unsightly soil spots;
 - (m) In all other respects is safe and suitable for taxicab or livery service;
 - (n) Complies with the following standards:
 - 1. No dents larger than six inches in diameter.
 - 2. No missing or hanging mirrors, trim or body work.
 - 3. No cracks in the windshield or windows.
 - 4. No missing hubcaps.
 - 5. No visible primer paint.
 - 6. All original and replacement parts and components of the vehicle are similar in appearance and are of the same color or design.
 - 7. No rust greater than one inch in diameter.
 - 8. No loose trash or large amounts of dirt or sand in the interior passenger area, whether or not the area is currently occupied by a passenger.
 - 9. No visible tears in carpeting or seat upholstery.
 - 10. No unpleasant odors or strong fragrances inside.
 - 11. Seat belts for all passenger seats visible and in working order.
 - 12. Has an operational jack and inflated spare tire.
 - 13. Heating and air conditioning are in working order.
 - 14. Two operating doors affording direct entrance and exit to and from the passenger compartment.
 - (o) A taxicab or livery shall at all times be maintained in compliance with the laws of the State of Maine relating to passenger vehicles and the rules and regulations of the State Commissioner of Transportation enacted pursuant thereto.
- (3) The City Clerk shall issue a nontransferable Bangor Taxicab or Bangor Livery inspection sticker to each taxicab or livery inspected under this section, valid for one year from the date of issue, unless the vehicle is added to a taxicab or livery business license after the initial date of issuance of said license, in which case the vehicle inspection sticker will expire

upon expiration of the taxicab or livery business license. All taxicabs and liveries operating in the City of Bangor shall display said stickers in accordance with § 278-8.

- E. Insurance. Each taxicab or livery shall be insured for the period over which the taxicab or livery business license is to remain in force, insuring persons and property from liability for injuries and damages resulting from the use and operation of such taxicab or livery. Such insurance policy or coverage shall be issued in an amount or amounts sufficient to meet state law requirements.
- F. Termination and Expiration of taxicab or livery business license. Unless revoked or suspended under §§ 278-15 or 278-16 of this chapter, each taxicab and livery business license shall expire on the 15th day of May next after the date of issuance; provided, however, that any new application filed between May 1 and May 15 and approved shall be valid until May 15 of the following year.
- G. It shall be a violation of this article for any taxicab or livery business, or the owner thereof, to allow any person not holding a valid City of Bangor taxicab or livery driver's license to operate a taxicab or livery licensed as part of their fleet, unless under the conditions specified in § 278-4(C).

§ 278-6. Driver and vehicle lists.

- A. Every dispatch center shall, on the first day of January and July of each year, file with the City Clerk a current list of all taxicab and livery companies and owners for whom the dispatch center provides dispatching services.
- B. Every taxicab or livery company or owner shall, on the first day of January and July of each year, file with the City Clerk a current list of its taxicab and livery drivers.
- C. Every taxicab or livery company or owner shall, on the first day of January and July of each year, file with the City Clerk a current list of its taxicabs or liveries, including the make, model, passenger capacity, year, vehicle identification number (VIN), taxicab or livery identification number as required by § 278-8(D) and license plate number of each vehicle which is covered by the taxicab or livery business license.

§ 278-7. Taxicab or livery driver's license.

It shall be unlawful for any person to operate any taxicab or livery for hire without first obtaining a taxicab or livery driver's license.

- A. Fees. If a person has not previously held a City of Bangor taxicab or livery driver's license or if a person is renewing an existing license after the 15th of the month in which such license shall expire the nonrefundable new/late licensing fee shall be as set forth in Chapter 109 of this Code. Any person renewing an existing taxicab or livery driver's license between the 1st and 15th of the month in which such license shall expire be charged a nonrefundable renewal fee as set forth in

Chapter 109 of this Code. All taxicab or livery driver's licenses shall expire annually on the last day of the month in which the license was issued except that any license renewed within 3 months following the expiration of the license will expire the following year on the last day of the month in which the expired license was issued. Any license renewed more than 3 months after its expiration will be treated as a first time license.

B. Application and issuance.

- (1) An application for a taxicab or livery driver's license shall be made upon forms furnished by the City Clerk and shall be signed in front of the City Clerk by the applicant. The application shall require the applicant to set out the following information:
 - (a) That the applicant is 18 years of age or older.
 - (b) That the applicant has held a valid driver's license for more than two years.
 - (c) Current contact information, including home and work address, and home, work and cell telephone numbers, and e-mail address if available.
 - (d) Maine Driver's License number.
 - (e) List of all states in which the applicant has resided over the past 7 years.
 - (f) List of all criminal convictions from any and all jurisdictions, not including convictions for crimes committed as a juvenile.
 - (g) Whether any driver's license held by the applicant is presently revoked or has been revoked during the three (3) years preceding the application and the reasons for such revocation(s).
 - (h) Applicant's signature certifying that all information provided is complete and accurate and that they understand the taxicab and livery driver rules.
 - (i) Any other information requested by the City Clerk, Chief of Police, or City Council.
- (2) Before such license shall be issued by the City Clerk, the application must be approved by the Chief of Police, or his or her designee, and the applicant must:
 - (a) Present a valid State of Maine driver's license.
 - (b) Demonstrate to the City Clerk that he or she can read, write and speak the English language.
 - (c) Present the taxicab or livery driver's license to be renewed, if renewal is sought.
 - (d) Pay the nonrefundable annual fee for a taxicab driver's license as required under § 278-7(A) above.

- (e) In the case of a new application, have his or her photograph taken at a place, time and date designated by the Chief of Police, or his or her designee, for City photo identification to be displayed as provided in Subsection D, below. In the case of a renewal application, the applicant must present their City photo identification.
- (f) Demonstrate to the Chief of Police, or his or her designee, that the applicant is competent to operate a motor vehicle safely and in accordance with all applicable traffic laws and ordinances. In determining whether the applicant is competent to operate a motor vehicle safely and in accordance with law, the Chief of Police, or his or her designee, shall consider factors including but not limited to whether the applicant has any of the following:
 - [1] Three or more convictions for motor vehicle violations within the past 3 years.
 - [2] One or more major moving violations within the past 3 years, including but not limited to attempting to evade the police, reckless driving or driving on a suspended or revoked license.
- (g) Satisfy the Chief of Police, or his or her designee, that the applicant is at present of such good moral character that the applicant can be trusted with the safe care and custody of taxicab passengers. In determining whether the applicant is of “good moral character,” the Chief of Police, or his or her designee, shall consider factors including, but not limited to, the following:
 - [1] Whether the applicant has been convicted at any time of murder, manslaughter, or a Class A, B, or C crime against a person;
 - [2] Whether the applicant has been convicted within the past 7 years of operating under the influence of drugs or alcohol, fraud, a sexual offense, use of a motor vehicle to commit a felony, a crime involving property damage or theft, an act of violence or an act of terror, a drug-related crime, criminal threatening, or harassment; and
 - [3] Whether the applicant made any false statement or omission on the application or in the course of the application process.
- (h) No license will be issued until the results of the State Bureau of Investigation (SBI) criminal background check are received and found to be acceptable by the Chief of Police, or his or her designee.
- (i) Have no outstanding warrants of arrest in Maine or any other jurisdiction; and
- (j) Not be a convicted sex offender who is required to register as a sex offender within the State of Maine or is on the national sex offender registry.

- (k) Failure to meet any of the requirements in Subsection (a)-(j) shall be grounds for denial of a taxicab or livery driver's license.
- C. Identification tag. Upon the issuance of the taxicab or livery driver's license, the Chief of Police, or his or her designee, shall also deliver to the licensee an identification tag containing the applicant's photograph. The identification tag shall be worn in a conspicuous place on the licensee's uniform at all times while operating a taxicab within the City of Bangor. Failure to display the identification tag in a conspicuous place at all times constitutes ground for license revocation.
- D. Expiration of taxicab or livery driver's license. Unless suspended or revoked under this chapter, all taxicab and livery driver's licenses shall expire annually on the last day of the month in which the license was issued. Any license renewed within 3 months following the expiration of the license will expire the following year on the last day of the month in which the license was originally issued. Any license renewed more than 3 months after its expiration will be treated as a first time license.
- E. Record of denial. The City Clerk shall make and keep a written record of every decision to deny an application for a taxicab driver's license. Records of denial shall be kept for three years from the date of denial.

§ 278-8. Identification of taxicabs and liveries.

- A. Name and logo. Every taxicab and livery shall have the name of the owner or the owner's dispatch center or trade name and, in the case of a taxicab, the word "taxicab" or "taxi" or "cab," or in the case of a livery, the word "livery" permanently placed on the exterior of one door on each side of the vehicle, or in the case of livery said doors or each rear fender of the vehicle, in letters at least 2 inches high. In lieu thereof, a logo or monogram, approved by the Chief of Police, or his or her designee, containing the same information and being not less than eight inches in diameter, shall be permanently placed on one door on each side of the taxicab or livery.
- B. Lights. In addition to the outside lights required by law, all taxicabs shall be equipped with an identifying light attached to the top of each taxicab. Such identifying light shall be constructed in one unit consisting of an illuminated plate or cylinder upon which is printed the word "taxicab" or "taxi" or "cab" or the name of the taxicab business. The overall dimensions of such identity light shall not exceed eight inches in height and 23 inches in length. Other than the outside lights required by law, a livery vehicle is prohibited from having an exterior light.
- C. Identification sticker. Every taxicab or livery inspected to operate in the City of Bangor shall display a valid Bangor taxicab or livery sticker on the front windshield adjacent to the state inspection sticker.

- D. Identification number. Every taxicab or livery licensed to operate in the City of Bangor shall display their taxicab or livery identification number, on the rear of the vehicle and on the exterior by the door handles in letters and numbers at least 2 inches high. Identification numbers must be in numerical order starting with 1 and must be filed and updated with the City Clerk.
- E. Taxicab contact number. Every taxicab licensed to operate in the City of Bangor shall display a telephone number for the taxicab business or dispatch center on the rear and each side of the vehicle in numbers at least 2 inches high.
- F. Notice to the Public. Every taxicab and livery shall display a card, provided by the City Clerk's office, in clear view of all passengers, in the passenger compartment, illuminated between the hours of sunset and sunrise, displaying the following rules and information:
 - (1) For taxicabs only, maximum fare schedule;
 - (2) Smoking is prohibited in any taxicab or livery vehicle and failure to comply will result in a fine;
 - (3) Taxicab or livery identification number; and
 - (4) Contact information passengers can use for reporting any violations or misconduct observed during taxicab or livery transportation.

§ 278-9. Taxicab Rates of fare.

- A. Fares to be collected from any taxicab passenger or passengers shall be no greater than that shown on the taximeter, and no owner or driver shall charge rates to such passenger or passengers for taxicab services within the limits of the City of Bangor greater than the following:
 - (1) For the first 1/6 of a mile or fraction thereof: \$2.50
 - (2) For each 1/6 of a mile or fraction thereafter: \$0.35
- B. Provided, however, that in addition to the rates of fare permitted under Subsection A(1) and (2) above, a fare of not more than \$0.30 per minute may be charged in the event that any taxicab is forced, by reason of traffic conditions or other circumstances beyond the driver's control, to travel at a speed of less than 10 miles per hour for a continuous period of more than two minutes.
- C. All taxicabs operated under a license granted by the City of Bangor must display the notice to the public card provided by the City of Bangor, which sets forth the maximum rates permitted under this chapter, as outlined in § 278-8. Maximum rates, including for the initial 1/6 mile, for each additional 1/6 mile, and for wait time, shall also be permanently placed on the exterior of one door or fender on each side of the taxicab in letters at least 1 inch high.

- D. Additional passengers. If there is more than one passenger having the same origin and destination, each passenger may be charged not more than an equal proportionate part of the charges shown on the taximeter. At the option of the owner of such taxicab, an additional charge of not more than \$0.25 may be made for each additional passenger having the same origin and destination as the first passenger. If there is more than one passenger and the destinations are different, each passenger may be charged not more than his or her equal proportionate part of the difference between the amount then shown on the taximeter and the amount shown by the taximeter at the next preceding stop.
- E. Waiting time. If the taxicab waits for the passenger after the taxicab has arrived at the place of origin, at the expiration of five minutes after such taxicab has arrived or after being requested to wait by the passenger, whichever comes sooner, the passenger may be charged not more than a maximum rate of \$20 per hour, or any such fraction thereof, as the actual waiting time bears to one hour. No charge shall be made for waiting time in advance of the time at which the taxicab is required in the request for the taxicab service, nor for the delay due to the inefficiency of the taxicab or its operation, nor for mileage or time other than proceeding in the most direct way to the destination.
- F. Hand luggage. Hand luggage shall be carried free of charge.
- G. Surcharge. The Bangor City Council may, by order, authorize the levy of a surcharge per trip in addition to the fare authorized by this section where it determines that such surcharge is warranted by conditions beyond the control of taxicab drivers and companies and where such conditions affect the cost of providing taxicab services.
- H. No taxicab or livery driver shall engage in barter with a passenger in lieu of the arranged compensation.

§ 278-10. Record of daily trips.

The owner or licensed operator of a taxicab or livery shall keep daily records of all trips made by such vehicle, the beginning and end time and place of each trip, and the amount of payment received, not including any tip or gratuity given voluntarily by the customer. Such records, upon demand, shall be open to inspection by the City Clerk or any police officer. Said records shall be kept for a period of not less than three years.

§ 278-11. Taxi stands; soliciting passengers.

- A. Taxi stands. The Chief of Police, or his or her designee, by and with the consent of the City Manager, is hereby empowered to assign, to each and every licensed taxicab owner, suitable taxi stand space on public streets and ways.
- B. Passenger soliciting. No driver of a taxicab shall solicit any passenger or passengers within 50 feet of an established taxicab stand except while parked in said stand.

§ 278-12. Conduct of Taxicab and Livery Drivers.

To facilitate the safe, orderly and professional provision of taxicab and livery services, taxicab and livery drivers are required to follow these guidelines:

- A. Cell Phones. Taxicab and livery drivers shall not use their cell phone while transporting a passenger unless it is an emergency or to receive calls from dispatch or customers.
- B. Appearance. Every taxicab or livery driver operating a taxicab or livery that is in service shall be suitably and professionally dressed, and neat and clean in appearance. No clothing which is ripped or torn or has a large or unsightly stain is permitted. Gym or workout shorts or pajama pants are not permitted. Footwear must be closed-toe and clean.
- C. Personal Hygiene: Taxicab and livery drivers will maintain good personal hygiene.

§ 278-13. No Smoking.

- A. No person, including but not limited to taxicab and livery operators and passengers, may smoke in a taxicab or livery at any time, including times when there are no passengers in the vehicle or when the vehicle is not in operation as a taxicab or livery.
- B. Notwithstanding § 278-13(A) above, if allowed under state law, an owner of a taxicab or livery who is also the sole operator of the taxicab may smoke in the taxicab or livery as long as he or she does not do so while the vehicle is in operation as a taxicab or livery or less than an hour before or after the vehicle is in operation as a taxicab or livery.

§ 278-14. Display of licenses.

A copy of the taxicab or livery business license issued for a taxicab or livery must be kept inside the vehicle. The taxicab or livery driver's license issued to the driver of that taxicab or livery shall be conspicuously displayed on their person.

§ 278-15. License suspension and revocation.

- A. Automatic revocation.
 - (1) Conviction of a crime. No taxicab or livery driver's license shall be valid for purposes of this article upon the licensee's conviction of a crime listed in § 278-7(B)(2)(f). It is the responsibility of the driver and business owner employing said driver to notify the City Clerk of any such conviction.
 - (2) Conviction of motor vehicle violations. No taxicab or livery driver's license shall be valid for the purposes of this article upon conviction of three or more motor vehicle violations during a license year, or one major moving violation as defined in § 278-7(B)(2)(e)[2]. It is the responsibility of the driver and business owner to notify the City Clerk of any such convictions.

- B. Automatic suspension. No taxicab or livery driver's license shall be valid for the purposes of this article during any period in which the state driver's license of the licensee is suspended or revoked. It is a violation of this ordinance for a licensee to continue to operate a taxicab or livery vehicle after suspension or revocation of his or her state driver's license. It is the responsibility of the driver and business owner employing said driver to notify the City Clerk of any such suspension or revocation.
- C. Grounds for suspension or revocation of driver's license.

In addition to the grounds for denial of a taxicab driver's license set forth in § 278-7(B), which are also grounds for suspension or revocation of a license, a taxicab or livery driver's license shall be subject to suspension or revocation upon a determination that the licensee:

- (1) Knowingly took a longer route to his or her destination than was necessary unless so requested by the passenger, provided that longer routes may be necessary due to traffic, construction, detours, accidents, weather, road conditions, and other reasonable factors;
- (2) Knowingly conveyed any passenger to a place other than that which the passenger or paying party specified;
- (3) Solicited taxicab or livery passenger business in the manner prohibited by § 278-11;
- (4) In the case of a livery driver, picked up or attempted to pick up a passenger on the street or in a public place, without an agreement arranged in advance for such pick up; the burden shall be on the livery business or driver licensee to show the existence of such a pre-arranged agreement;
- (5) Transported any person in addition to or other than the passenger first engaging the taxicab or livery without the express consent of the original passenger;
- (6) Drove a taxicab or livery when the licensee was not clean and neat in appearance;
- (7) Drove a taxicab or livery that was out of compliance with any of the provisions of this article when the licensee knew or should have known it was out of compliance;
- (8) Refused to transport any orderly person upon request, unless the taxicab or livery was already engaged, or unless, three or more times in the previous six months, a person has failed to appear to be transported from the requested address or when the call for transport was made from the same phone number. Examples of a person who is not orderly may include someone who is aggressive, or excessively dirty or unhygienic. Drivers are not required to assist passengers in entering or exiting their vehicle;
- (9) In the case of a taxicab driver, charged more than the maximum fare specified in this chapter;

- (10) Failed to carry change sufficient to make change for a \$20 bill;
- (11) Violated the no smoking section of this chapter more than two times within a twelve-month period.
- (12) Removed or obscured any notice or decal required to be posted in the taxicab or livery by this chapter;
- (13) Was convicted of a crime in any jurisdiction; or
- (14) Acted in an aggressive, threatening, verbally abusive or disorderly manner while engaged in taxicab or livery services.

D. Grounds for suspension or revocation of business license.

In addition to the grounds for denial set forth in §278-5, which shall also be grounds for suspension or revocation of a license, a taxicab or livery business license shall be subject to suspension or revocation upon a determination that the owner or manager of the taxicab or livery business:

- (1) Caused another person to transport any person in addition to or other than the passenger first engaging the taxicab or livery without the express consent of the original passenger;
- (2) Caused another person to refuse to transport any orderly person upon request unless, in the case of business operating a single taxicab or livery, the taxicab or livery is engaged, or, in the case of a business operating more than one taxicab or livery, all vehicles were then engaged; or unless, three or more times in the previous six months, a person has failed to appear to be transported from the requested address or when the call for transport was made from the same phone number. Examples of a person who is not orderly may include someone who is aggressive, or excessively dirty or unhygienic. Drivers are not required to assist passengers in entering or exiting their vehicle;
- (3) In the case of a taxicab business, caused or allowed a passenger to be charged more than the maximum fare specified in this chapter;
- (4) Removed, or obscured, or caused to be removed or obscured from a taxicab or livery the notice or decal required to be posted in the vehicle by this chapter;
- (5) Knew of a driver's conviction, repeated motor vehicle offenses, or the suspension or revocation of his or her State of Maine driver's license and failed to notify the City Clerk of the same as required under § 278-15(A) or (B).
- (6) Operated, or any person employed by such licensee operated, a taxicab or livery without a current and valid taxicab or livery driver's license;

- (7) Operated, or any person employed by such licensee operated, a taxicab or livery which is not covered by a current and valid taxicab or livery business license;
- (8) Operated, or any person employed by such licensee operated, a taxicab for which the telephone number required under § 278-8(E) at any time did not ring through to a person capable of dispatching a taxicab; provided that the if the number may ring through to an answering machine or voicemail if the caller is then directed to call a number that does ring through to a person capable of dispatching a taxicab. This Section 278-15(D)(8) shall not be grounds for suspension or revocation of a taxicab or livery business license if the failure to ring through to a person capable of dispatching a taxicab is outside the control of the business owner or manager and due to severe weather conditions or unexpected illness or injury.
- (9) Operated a taxicab or livery business after there had been repeated violations by the driver(s) employed by the licensee which resulted in three or more suspensions of the same driver, or five or more suspensions of employees of the licensee, within any three year period; or
- (10) Operated a taxicab or livery business after the taxicabs or liveries covered by the taxicab or livery business license have collectively been the subject of two or more violation notices for failure to comply with the standards set forth in § 278-5.

§ 278-16. Suspension and revocation process.

The Board of Appeals may suspend or revoke a taxicab or livery driver's license or taxicab or livery business license for the grounds listed in § 278-15(C) or (D) according to the following procedure:

- A. The Chief of Police, or his or her designee, shall give notice in writing of the grounds for suspension or revocation of the license. Said notice shall be directed to the licensee and the City Clerk.
- B. Upon receipt of the notice, the City Clerk shall notify the Chair of the Board of Appeals, who shall take action to have the matter heard at a regular or special meeting of the Board of Appeals within 40 days of the City Clerk's receipt of the notice. Before the hearing, the City Clerk shall notify the licensee, the Board of Appeals members, the Chief of Police or his or her designee, and any appropriate members of City staff of the time and place of the hearing.
- C. The hearing shall be conducted in accordance with the following:
 - (a) The Chief of Police, or his or her designee, shall be heard first to present the grounds for suspension or revocation of the license. The licensee shall then present his or her position in response.
 - (b) All parties shall be given the opportunity to be represented by an attorney or other spokesperson.

(c) Evidentiary and presentation standards shall be as set in 30-A M.R.S. § 2691, Subdivision 3D.

(d) A hearing shall not be continued to another time except for good cause.

- D. After the hearing, the Board of Appeals may suspend a taxicab or livery driver's license or taxicab or livery business license for a period of up to one year or revoke said license if it finds that the grounds for suspension or revocation presented by the Chief of Police, or his or her designee, were sufficient to warrant suspension or revocation and were consistent with this chapter, including but not limited to § 278-15. Notice of suspension or revocation of a taxicab or livery driver's license shall be sent to the driver and to the business for which the driver works. Notice of suspension or revocation of a taxicab or livery business license shall be sent to the business.

§ 278-17. Removal of taxicab or livery from service.

- A. If a law enforcement officer determines that there is a violation of this Chapter which poses a threat to the health or safety of passengers, they may order the taxicab or livery to be removed from service immediately and may remove or order removed from the vehicle the taxicab or livery inspection sticker. The Chief of Police or his or her authorized agent shall make him- or herself available for a re-inspection of the vehicle no more than three business days thereafter. If, upon appeal of the law enforcement officer's determination that there was a threat to the health or safety of passengers, it is found that there was no such threat, the inspection sticker shall be replaced at no cost.
- B. If a law enforcement officer determines that there is a violation of this Chapter that is not directly linked to the health or safety of passengers, then the officer may issue a written order to correct the violation within thirty days; if, after thirty days, the taxicab or livery does not pass re-inspection, an officer may order the vehicle to be removed from service. There shall be a fee as set in Chapter 109 of this Code for each re-inspection of any taxicab or livery ordered removed from service hereunder.
- C. A law enforcement officer may immediately order any taxicab or livery that fails to display the decal required by § 278-8C be removed from service until said decal is displayed.
- D. The Chief of Police or his or her authorized agent, at his or her discretion, may require a licensee to present a taxicab or livery for inspection.

§ 278-18. Receipt upon demand.

The driver of any taxicab or livery shall, upon demand by the passenger, render to such passenger a receipt for the amount paid. Such receipt shall bear the name of the owner, the name of the driver, the date of transaction and the amount paid.

§ 278-19. Refusal to pay legal fare.

The refusal of any passenger to pay the legal fare as shown on the taximeter of a taxicab shall be unlawful, and, upon conviction therefor, shall be subject to such penalties provided for in § 278-20 of this chapter.

§ 278-20. Violations and penalties.

Violations of this chapter shall be subject to the penalties of 30-A M.R.S. § 4452. Any such fine may be in addition to the provisions of this chapter providing for the suspension or revocation of the taxicab or livery business license and the taxicab or livery driver's license. In the case of a suspension or revocation, both the license and the right of the licensee to apply for or renew a license are suspended or revoked. A licensee whose license is revoked cannot apply for a new/renewal license for one year. If a license is denied, the applicant may not reapply for 6 months thereafter. Suspensions and revocations issued by the Board of Appeals may last up to one year from the date of suspension or revocation.

§ 278-21. Appeals.

- A. Any person aggrieved by a denial by the City Clerk of an application for a taxicab or livery business license or a taxicab or livery driver's license filed under § 278-5 or 278-7 of this chapter, or removal of a vehicle from service or a violation notice under § 278-17, may appeal said denial, removal or violation notice to the Board of Appeals, subject to the following:
 - (1) Notice of said appeal shall be in writing, shall state briefly the grounds therefor, shall be directed to the Board of Appeals, and shall be filed with the City Clerk not more than 15 days after notice of said denial has been received by the applicant. No fee shall be required for the appeal.
 - (2) Upon receipt of a notice of appeal, the City Clerk shall immediately notify the Chair of the Board of Appeals, who shall take action to have it heard at a regular or special meeting of the Board of Appeals within 40 days of receipt of the notice. Before the hearing, the City Clerk shall notify the applicant, the Board of Appeals members, and any appropriate members of City staff of the time and place of the hearing.
 - (3) The hearing shall be conducted in accordance with the following:
 - (a) The appellant's case shall be heard first. The City Clerk or other City representative shall then present the position of the City.
 - (b) All parties shall be given the opportunity to be represented by an attorney or other spokesperson.
 - (c) Evidentiary and presentation standards shall be as set in 30-A M.R.S. § 2691, Subdivision 3D.
 - (d) A hearing shall not be continued to another time except for good cause.

(4) Decisions and notices of decisions shall be rendered in public in accordance with 30-A M.R.S. § 2691, Subdivision 3E. This decision must be based solely on evidence presented at the hearing.

- B. Further appeals. Any decision of the Board of Appeals pursuant to Subsection A of this section may be appealed to the Superior Court pursuant to Rule 80B of the Maine Rules of Civil Procedure.
- C. For purposes of this chapter, the procedures outlined in this §278-21 are intended to entirely supplant the administrative appeals procedure outlined in § 23-3A through E of this Code; § 23-3F through H shall still apply.