

Order 144-17/18

Motion to separate Order 144-17/18 from Consent Calendar: 9-0 on 2/5/2018

Passage: 9-0 on 2/5/2018

Effective 2/15/2018

ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND**  
IN THE CITY COUNCIL

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER AUTHORIZING WATERFRONT CONCERT FESTIVALS  
PRESENTED BY WATERFRONT CONCERTS, LLC  
ON THE MAINE STATE PIER AND APPROVING CONTRACTS AND  
PERMITS THEREFOR**

**ORDERED**, that Waterfront Concert Festivals on Maine State Pier are hereby declared as a series of Festivals in 2018 to be presented by Waterfront Concerts, LLC on behalf of event beneficiaries, which will be non-profit organizations; and

**BE IT FURTHER ORDERED**, that the City Manager is authorized to grant permits to the Festival organizers, Waterfront Concerts, LLC, on behalf of each of the event beneficiaries, pursuant to Sections 25–27 of the Portland City Code for the following activities:

- Waterfront Concerts, LLC will have the use of the Maine State Pier on all mutually agreeable dates of the Waterfront Concert Festivals on Maine State Pier; and any and all public announcement and other speakers or amplifiers used to amplify music or other sound shall be maintained at a reasonable level and be configured by Waterfront Concerts, LLC and the City to focus volume on the Maine State Pier and its immediate environment; and

**BE IT FURTHER ORDERED**, that the Festival Area, which is Maine State Pier, for all of the approved Festivals will be closed to street vendors pursuant to Section 19–17 of the Portland City Code and is reserved for the use of Waterfront Concerts, LLC, and event beneficiaries for the purpose of conducting the Festivals, subject to the direction and control of the City Manager; and

**BE IT FURTHER ORDERED**, that the City Manager or designee is hereby authorized to issue a revocable permit for each Festival under Sections 25-26 thru 25-30 of Portland City Code to Waterfront Concerts, LLC and event beneficiaries subject to the following conditions:

- Under no circumstances may alcoholic beverages be sold or consumed on City of Portland right-of-ways during each of the approved Festivals, other than to persons 21-years-old and older in designated areas with security provided by

staff from the Portland Department of Parks, Recreation and Facilities and/or Waterfront Concerts.

- Waterfront Concerts, LLC shall indemnify the City and hold it harmless from and against all claims arising out of activities during all said Festivals/events approved hereunder, and shall take out and maintain general and liquor liability insurance coverage in the amount of at least \$1,000,000 per occurrence for personal or bodily injury, death, or property for said purposes. Waterfront Concerts, LLC shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance. With respect to the Commercial General Liability Insurance, the CONTRACTOR shall name the CITY as an additional insured for coverage only in those areas where government immunity has been expressly waived by 14 M.R.S. A. § 8104-A, as limited by § 8104-B, and § 8111. This provision shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the CITY under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, common law, or any other defenses, immunities or limitations of liability available to the CITY;
- All conditions for use of grounds, specified in each permit for all Festivals approved hereunder issued from the Public Assembly Facilities Division, shall be adhered to;
- Waterfront Concerts, LLC shall have sole authority over participating vendors at the events and may charge a fee to vendors for the opportunity to vend at all of the approved Festivals;
- City permit fees and license fees, a fee per ticket sold and a percentage of revenue from sales of food, beverages and merchandise for events, as well as costs for city staff assistance will be paid by Waterfront Concerts, LLC; and

**BE IT FURTHER ORDERED**, that the Public Assembly Facilities Division staff or qualified volunteers will provide security at all of the approved Festivals; and

**BE IT FURTHER ORDERED**, that the City Manager is authorized to issue such other temporary licenses, including licenses for food service establishments, as may be required by the Portland City Code, provided that all other applicable requirements of said Code have been met regarding the operation of all of the Festivals approved hereunder; and

**BE IT FURTHER ORDERED**, that the City Manager is authorized to enter into an Agreement with Waterfront Concerts, LLC and event beneficiaries for the use of the Maine State Pier as described herein; and

**BE IT FURTHER ORDERED,** that the City Council hereby authorizes the City Manager to execute said document and any other related documents necessary or convenient to carry out the intent of said document and this Order.