

Order 108-15/16

Passage as an Emergency: 9-0 on 11/16/2016

Effective 11/16/2015

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CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID H. BRENERMAN (5)
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AMENDMENT TO PORTLAND CITY CODE
Re: Renaming the Department of Public Services to
the Department of Public Works

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

1. *That Section 2-17 is hereby amended to read as follows:*

Sec. 2-17. Additional duties assigned.

In addition to the duties imposed on them by the Charter, state law and ordinance of the city, the City Council or the City Manager, the following officers shall perform the additional duties list below:

(a) *City Clerk:*

...

(d) *Director of Parks and Public Works:*

1. The Director of Parks and Public Works and the Department ~~of Parks and~~ Public Works shall be considered as the Public Works Authority ~~and the Parks Authority~~ for the City.

...

2. *That Section 5-15.1 is hereby amended to read as follows:*

Sec. 5-15.1. Definitions.

The following words when used in this article shall have the meaning given herein:

At large shall mean and include any of the following:

- (a) On the public street or publicly owned property unless controlled by a leash of not more than eight (8) feet

in length, except as provided below;

...

- (i) All areas referred to in subsections (c), (d), (e), (f) and (g) above are more particularly defined on maps on file in the office of the Department of Public ~~Services~~Works.

3. That Sections 12-16, 12-17.2, 12-215, 12-239. 12-240 and 12-241 are hereby amended to read as follows:

Sec. 12-16. Definitions.

The following words and terms as used in this article shall have the meanings ascribed thereto, unless the context otherwise indicates:

...

Bulky waste shall mean any items whose large size or weight precludes or complicates their handling by normal collection, processing or disposal methods, as further defined by the rules and regulations of the department of public ~~services~~works.

...

Public works authority shall mean the department of public ~~services~~works of the city of Portland.

...

12-17.2. Bulky Waste Collection.

(b) No person shall place bulky waste out for collection by the city unless it is in compliance with the rules and regulations as established by the Department of Public ~~Services~~Works for the bulky waste collection program.

...

Sec. 12-215. Effective Date

- (a) This Article shall become effective on April 15, 2015.
- (b) This Article shall be null and void if and as long as there is developed and maintained an effective city-wide recycling program approved by the City's Director

of Public ~~Services~~Works for polystyrene foam food and beverage containers.

...

Section 12-239. Definitions.

- (a) Abandoned bicycle means any bicycle that has been locked in the same location within the public right of way for one month or longer and meets two or more of the following criteria:
- (1) no tires or wheels;
 - (2) missing or warped wheels, handle bars, or seats;
 - (3) missing, rusted, or broken chain in a state that renders it inoperative; or
 - (4) visible layer of dust on the seat and/or handle bars.
- (b) Recovered bicycle means any bicycle tagged and removed as provided in this Article and as further detailed in the rules and regulations for said program established by the Department of Public~~Services~~Works.
- (c) Removal notice means a physical tag placed on a bicycle deemed to be abandoned pursuant to subsection (a), above, by the Department of Public ~~Services~~Works and demanding its removal.

...

Section 12-240. Identification & Removal Process

- (a) Where the Department of Public Services concludes that a bicycle meets the definition of an abandoned bicycle outlined in section 12-239(a), that bicycle may be tagged with a Removal Notice. The tag will list the date by which the bicycle must be removed, which will be within 72 hours (3 days) of being tagged.
- (b) Bicycles locked within the public right of way that are blocking the vehicular travel lane(s), the pedestrian way, a handicapped access ramp, or otherwise presenting a public safety hazard may be removed immediately without notice.
- (c) All bicycles tagged with a Removal Notice and remaining unclaimed after the 72-hour notice period will be removed and stored by the Department of Public

~~Services-Works~~ for a minimum of 30 days.

- (d) If unclaimed after 30 days, the Department of Public ~~Services-Works~~ may donate unclaimed bicycles to a local non-profit partner.

Section 12-241. Policy Implementation

This Article shall not alter the procedures or responsibilities of the Portland Police Department with respect to bicycles transferred to its possession and disposed of pursuant to 25 M.R.S. §§ 3501-3507. One (1) year after implementation, the Department of Public ~~Services-Works~~ in conjunction with the Planning and Urban Development Department will evaluate the City's abandoned bicycle program and its current non-profit partner(s) to determine compliance with the purpose as stated in Section 12-238.

4. That Sections 14-311, 14-498, 14-501, 14-522, 14-523, 14-527, 14-530 and 14-532 are hereby amended to read as follows:

Sec. 14-311. Development standards.

(a) *Standards for non-marine uses located outside of the NMUOZ:* Non-marine uses listed above in Sec. 14-307(b) and 14-308(b) that are located outside of the NMUOZ shall be subject to the performance standards listed in 14-311(d) as well as the following standards:

...

(d) *Performance standards:* All uses in the waterfront central zone shall comply with the following standards. Standards 8, 10, 13, 14, 15, 16, and 17 below shall be reviewed by the planning authority:

...

5. *Discharges into harbor areas:* No discharge into harbor water areas shall be permitted, unless permitted by the Maine Department of Environmental Protection under a waste discharge license and as approved by the department of public ~~services-works~~ in accordance with chapter 24, article III of this code. All private sewage disposal or private wastewater treatment facilities shall comply with the provisions of chapter 24, article II of this code and federal and state environmental statutes and regulations regarding

wastewater discharges.

6. *Storage of vehicles:* Storage of any unregistered automotive vehicle on the premises for more than sixty (60) days shall not be permitted.
7. *Landfill of docking and berthing areas:* Landfill of docking and berthing areas shall be governed by 38 M.R.S.A. sections 480-A through 480-HH, and permitted only if the landfill does not reduce the amount of linear berthing areas or space, or berthing capacity. If approved, construction shall be undertaken using methods approved by the department of public ~~services~~ works and shall be accomplished in accordance with the provisions of division 25 of this article and in a manner so as to ensure that a stable and impermeable wall of acceptable materials will completely contain the fill material and will not permit any fill material to leach into docking areas or navigable waters.

...

Sec. 14-498. Technical and design standards.

(a) *Adoption and amendment of standards:* The public ~~services~~ works authority and the planning authority may promulgate technical and design standards for subdivisions and site plans. Such technical and design standards or any amendments thereto shall become effective only upon approval of the Planning Board following a public hearing before the Planning Board. In approving the technical and design standards, the Planning Board may direct staff to make changes with respect to format and text but, to the extent that standards are based upon sound engineering practice, shall not direct changes in the standards themselves. Such standards shall be additional to and consistent with the provisions of this article and shall be necessary and reasonable and shall be in accord with sound engineering practice. The public ~~services~~ works authority and planning authority shall maintain for public inspection current copies of the effective standards.

(b) *Street plan:*

1. All streets shall be platted along contour elevations which result in minimum grades and greatest visibility whenever practicable, with consideration given for anticipated use of the land.

2. The proposed street layout shall be coordinated with the street system of the surrounding areas. All streets must provide for the continuation or appropriate projection of streets in surrounding areas and provide means of ingress and egress for surrounding acreage tracts.

When connecting streets within residential neighborhoods, new streets shall contribute to a neighborhood street system characterized by a network of interconnected streets, which minimizes through-traffic in residential neighborhoods. The layout of subdivision lots, streets, and pedestrian ways shall promote multiple paths of travel to get to destinations within and between neighborhoods by foot and bicycle, as well as auto.

The interconnection of new and existing streets is further subject to the following provisions to minimize and mitigate through-traffic in residential neighborhoods:

- a. Where a determination is made that a proposed street connection will result in substantial increases in traffic volume and speed on the effected public streets, the planning board may require appropriate traffic calming solutions as set forth in the traffic calming ordinance. (Section 28-250) The department of public ~~services—works~~ (DPSDPW) may by regulation and amendment to the *Technical Manual* establish standards for determining what is a "substantial increase in traffic volume and speed"; and

...

Sec. 14-501. Performance and defect guarantees; engineering review, inspection fees and administrative fees.

(a) The performance guarantee shall be a letter of credit or escrow account with a responsible financial institution or the deposit, with the finance department of the city, of a sum required for the guarantee. (The city shall hold such funds in a noninterest bearing account until the completion of all of the improvements.) The performance guarantee shall be in the name of the city and shall be approved by the finance director as to financial sufficiency and the corporation counsel as to proper

form and legal sufficiency.

...

(d) Performance guarantees may be reduced periodically by the public works authority and the planning authority in the manner provided herein. Upon request, but in no event more than three (3) times in any calendar year, the developer shall be eligible to receive reductions in the performance guarantee equal to the estimated cost of the completed improvements. In no case, however, shall any performance guarantee be reduced (1) by less than one hundred thousand dollars (\$100,000.00) or fifty (50) percent of the initial amount of the performance guarantee, whichever is less, at any one (1) time; or (2) in any line item where improvements remain to be completed: or (3) to a value which is less than the estimated cost of completing all remaining prescribed improvements for which a performance guarantee is required by section 14-530 as determined by the public ~~services—works~~ authority. Notwithstanding any other provision of this section, no performance guarantee shall be reduced to less than the amount of the defect guarantee to be posted upon completion of the improvements.

...

Sec. 14-522. Definitions.

For the purposes of this article all terms and words shall have their ordinary meanings, except as defined herein.

Approval by any board or department under this article shall include any approval with conditions.

...

Public ~~Services—Works~~ Authority: The Director of the Department of Public ~~Services—Works~~ or his/her designee.

...

Sec. 14-523. Required Approvals and Applicability.

(a) *Required Approval.* An application for site plan approval shall be reviewed by the Planning Board or Planning Authority as specified below. The Planning Board or Planning Authority shall approve, approve with conditions or deny an application pursuant to the standards, procedures, technical

criteria and design criteria contained in this article, as demonstrated by the applicant.

...

(c) *Administrative Authorization.* Administrative Authorization means the Planning Authority may grant administrative authorization to exempt a development proposal from complete or partial site plan review that meet the standards below, as demonstrated by the applicant.

...

4. The curbs and sidewalks adjacent to the lot are complete and in sound condition, as determined by the Public ~~Services-Works~~ Authority, with granite curb with at least four-inch reveal, and sidewalks are in good repair with uniform material and level surface and meet accessibility requirements of the Americans with Disabilities Act;

...

Sec. 14-527. Content of site plan applications.

(a) *Level I General Submissions.* The applicant shall submit for review a packet of materials and submissions in a form and content as specified by the Department of Planning and Urban Development. Such submissions shall contain, at a minimum, the following elements:

...

(e) *Master Development Plan.* A Master Development Plan is an optional submittal as part of the Level III site plan application review process. If the applicant elects to submit a Master Development Plan for review, it shall include the following information in addition to the general submission requirements of Sec. 14-527 (c)(d):

1. A neighborhood context map, at a scale not less than one (1) inch equals one hundred (100) feet, providing a graphic description of the neighborhood in which the tract lies, including roads, utilities and other public facilities, major existing buildings and structures. There shall also be a statement and/or plan as to the general impact of the proposed Master Development Plan upon the area, indicating how the Master Development Plan relates to surrounding properties and what measures will be taken to create

appropriate transitions and access from the subject property to abutting public properties (i.e. parks, waterfront, etc.) or other neighboring tracts (if applicable).

2. A conceptual site plan drawn to a scale of not less than one (1) inch equaling fifty (50) feet, or series of drawings at the same scale, and any necessary supporting information, showing:

- (i) The approximate boundary lines of existing and proposed lots within and immediately adjacent to the Master Development Plan, with approximate areas and dimensions. With respect to residential areas, the proposed density, lot configuration, circulation and a typical plot plan shall be included in the application.

...

- (xii) A traffic analysis and recommendations prepared by a registered professional engineer qualified to conduct such studies, including current traffic counts for streets surrounding the project, analysis of the existing capacity of those streets, projections of the amount of traffic that will be generated by the proposed development, and the ability of the street system to absorb the increased traffic without decreasing the level of service below an acceptable level - said level to be determined by the Planning Authority in concert with the Department of Public ~~Services~~ Works. In cases where the Master Development Plan is subject to a Traffic Movement Permit (TMP) for all phases, the TMP submissions and review shall supersede these requirements.

...

Sec. 14-530. Development review fees and post approval requirements.

(a) *Development Review Fees.*

1. Payment of fees and costs: Prior to the issuance of permits of any kind or the release of a signed subdivision plat for recording for any project whose permit fee is governed by this ordinance, all current charges due under this ordinance shall be paid and the

developer must otherwise be in compliance with the provisions of the City Code.

...

(b) Post-approval submissions.

1. Final Plans. Following final site plan approval and prior to issuance of any building permit, the developer shall submit final plans meeting all the conditions of the site plan approval, including without limitation all streets, sewers, drainage structures and landscaping. Thereafter, limited and minor departures from the approved site plan shall be approved by the Public ~~Services-Works~~ Authority as field changes pursuant to Section 14-532 below. Amendments or revisions to the approved site plan shall be reviewed by the Planning Authority pursuant to 14-532.

...

Sec. 14-532. General requirements and enforcement.

(a) *Approved site plans and required permits.*

...

(b) *Revisions and amendments to Master Plans and approved site plans.*

1. Amendments to a Master Development Plan.

...

3. Limited In-Field Changes: approved by the Public ~~Services-Works~~ Authority must be in writing and submitted to the Planning Authority and are specifically limited to minor variation necessary to deal with unforeseen difficulties that arise during the course of construction involving such technical detail as utility location and substitution of equivalent plantings and shall not include any substantial alteration of the approved plan or change any condition imposed by the Planning Board or Planning Authority.

...

(c) *Expiration of site plan approval.*

1. A site plan approved under this article shall expire twelve (12) months from the date of approval unless:
 - a. Development has been undertaken in accordance with the approved plan and site work or building construction is ongoing. Any lapse in construction for a period in excess of twelve (12) months shall result in an expiration of the site plan; or
 - b. Prior to the expiration of the site plan, such other time period is agreed upon, in writing, by the Planning Authority and the applicant, not to exceed three (3) years from the date of approval;

Provided that such extensions may not be granted if changes to the City's zoning ordinance would render the development nonconforming in any respect or if changes in the subdivision or site plan ordinance or in the Public ~~Services-Works~~ Technical Standards Manual or Planning and Development Design Standards would otherwise significantly impact the approved site plan as determined by the Director of Planning and Urban Development.

...

(e) *Enforcement.*

1. All construction or alterations to the site performed under authorization of building permits or certificates of occupancy issued for development within the scope of the article shall be in conformance with the approved final site plan or an amendment thereto under section 14-532. The Department of Planning and Urban Development shall institute or cause to be instituted any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this article. Where work is required pursuant to the terms of chapters 24 or 25 as part of an approval granted under this article, such work shall be accomplished in the sequence established by the Public ~~Services-Works~~ Authority. Where the Public ~~Services-Works~~ Authority determines that work has been completed prior to the receipt of all approvals required by this article or which is out of sequence or is not in compliance with the standards of chapters 24 and 25, the Public ~~Services-Works~~ Authority or an inspector from the Department of Planning and Urban Development may issue

a stop work order. Work shall recommence only after such order has been lifted by the Department of Public ~~Services-Works~~ or the Building Authority on the basis of an approved mitigation plan or action by the developer.

5. That Sections 17-92, 17-96 and 17-97 are hereby amended to read as follows:

Sec. 17-92. Enforcement.

(a) The health and human services department shall work with the public ~~services-works~~ department to place signs notifying the public of this prohibition at or near playgrounds and athletic facilities, as well as in such other locations that, in its sole discretion, the health and human services department deems necessary to notify the public of this ordinance.

...

Sec. 17-96. Smoking prohibited in all city-owned or maintained parks.

(a) Smoking is prohibited in the City's public parks and grounds.

(b) The Council shall define by order the public parks and grounds to which this requirement shall apply and such order shall be kept on file in the Department of Public ~~Services~~Works.

...

Sec. 17-97. Enforcement.

(a) The health and human services department shall work with the public ~~services-works~~ department to place signs notifying the public of this prohibition at or near playgrounds and athletic facilities, as well as in such other locations that, in its sole discretion, the health and human services department deems necessary to notify the public of this ordinance.

6. That Section 24-75 is hereby amended to read as follows:

Sec. 24-75. Volume measurements.

(a) *Water volume measurements.* Whenever in this article

there is reference to volume of water, and the charges of such person are computed in whole or in part upon such volume of water, the use of such standard shall give the public works authority the right to require any person obtaining water from sources other than the Portland Water District to install and maintain at such person's own expense water meters of a type approved by the public works authority for the purpose of determining the volume of water obtained from their other sources and to report the volume of such water recorded by such meter to the public works authority. Following installation, such meter shall not be removed without the written permission of the public works authority.

...

(c) *Submetering of water volume.* Any person who feels that recorded water records are not a reliable index of his discharge volume may install an additional water meter of a type approved by the department of public ~~services~~-works or its agents to measure the volume of water which can be shown not to enter the sewerage system. The person wishing to install such a meter shall complete a submeter application, pay applicable fees as required by the department of public ~~services~~-works or its agents and install the meter in accordance with departmental rules and regulations. After proper installation of such a meter, a person shall be credited with the volume charges for the volume shown by such meter, which meter shall be accessible for reading by the city or its agents at all reasonable times.

7. That Sections 25-173, 25-175, 25-177.5 and 25-178 are hereby amended to read as follows:

Sec. 25-173. Snow and ice to be removed from sidewalks.

(a) *Commercial property* - the following provisions apply to commercial property owners and commercial property:

- (1) Commercial property owners, or the manager or any person having responsibility for any commercial building or lot of land which abuts any street where there is a sidewalk shall remove snow from the sidewalk in such a manner as to clear a path four (4) feet wide within twelve (12) hours after snow has ceased to fall and shall thereafter keep the sidewalk clear of snow from that storm including snow placed on the sidewalk as a result of subsequent snow removed by the city from the adjacent street. Property owners whose property abuts a sidewalk containing a curb cut

and/or leading to an intersection shall clear a path four (4) feet wide through the curb cut or to be the curb at the intersection, giving access to the street.

...

(3) Either the director of public ~~services~~works, or the head of the building inspections division, or their respective designees, may arrange for the removal of snow or removal or covering of ice which exists in violation of the provisions of subsections (1) and (2) above.

...

(b) *Residential property owner* - the following provisions apply to residential property owners and their properties:

(1) Residential property owners, or the manager or any person having the responsibility for any residential property building or lot of land which abuts a street where there is a sidewalk shall remove snow from the sidewalk in such a manner as to clear a path four (4) feet wide within twenty-four (24) hours after snow has ceased to fall or within twenty-four (24) hours after the city conducts its last snow clearing for that storm on the adjacent street whichever is later. In cases where a sidewalk is less than four (4) feet wide the entire sidewalk shall be cleared. Property owners whose property abuts a sidewalk containing a curb cut and/or leading to an intersection shall clear a path four (4) feet wide through the curb cut or to the curb at the intersection, giving access to the street.

...

(3) Either the director of public ~~services~~works, or the head of the building inspections division, or their respective designees, may arrange for the removal of snow or removal or covering of ice which exists in violation of the provisions of subsections (1) and (2) above.

...

Sec. 25-175. Regulations relating to snow storage and removal from specified areas.

(a) When snow is to be plowed or removed from privately owned or operated expansive parking, storage or other open

areas, such as, but not limited to, filling stations, parking lots, used car lots, hospitals and truck terminals, no such snow shall be placed within the area reserved for sidewalk or street purposes. All snow plowed or removed from such areas shall either be stored within the boundaries of the premises for which it is plowed or removed or hauled to the city snow dump or other location suitable to the public works authority.

(b) Either the director of public ~~services~~works, or the head of the building inspections division, or their respective designees, may arrange for the removal of snow which exists in violation of the provisions of subsection (a) above.

...

Sec. 25-177.5. Rules and regulations.

(a) Prior to October 1, 2012, the public works authority ~~(now referred to as public services)~~ shall establish rules and regulations governing exceptions to the requirement for residential property owners to clear the sidewalk abutting their property under 25-173(b)(1). Such exceptions shall take into account pedestrian safety, the city's priority snow removal areas, and whether the property is on a street where sidewalks are to be plowed by the city on at least one side.

...

Sec. 25-178. Enforcement.

(a) This article shall be enforced by the director of public ~~services~~works, or the head of the building inspections division or their respective designees.

(b) A written warning shall be given for each violation except that no warning is required for a violation of section 25-174. Such warning must inform the property owner or the resident manager or person having the responsibility for the removal of snow or ice or the covering of ice that the city has the authority to remove the snow or ice or cover the ice twenty-four (24) hours after the time that the warning is given for a violation and bill the property owner the costs for such service plus a ten (10%) percent charge for administration. A written warning posted on the property containing the required information shall be sufficient to meet the requirements of this section.

Such written warning shall include contact information whereby the property owner may appeal the warning to the

director of public ~~services-works~~ on the basis that the property owner is unable to remove the snow or ice due to its weight, composition or height. The director shall make a determination as to such appeal prior to any further enforcement action. The director's determination shall be final.

8. That Section 28-272 is hereby amended to read as follows:

Sec. 28-272. Applications.

Applications under this division except for a one-day special event permit, shall be filed thirty (30) days in advance of issuance of a permit in the clerk's office. Such application shall include the following information:

- (1) Name and address of the proposed permittee/operator. If incorporated, permittee/operator must provide copies of their articles of incorporation and bylaws.

...

- (9) Applications shall be forwarded by the clerk's office to all city departments which may be affected by the granting of the permit, including but not limited to, public-~~servicesworks~~, planning, police and parking.

9. That Sections 32-17, 32-38 and 32-39 are hereby amended to read as follows:

Sec. 32-17. Responsibility for administration.

The department of public ~~services-works~~ is the enforcement authority who shall administer, implement, and enforce the provisions of this article.

...

Sec. 32-38. Post-construction stormwater management plan compliance.

Any person owning, operating, or otherwise having control over a BMP required by a post construction stormwater management plan shall maintain the BMPs in accordance with the approved plan and shall demonstrate compliance with that plan as follows:

- (a) *Inspections.* The owner or operator of a BMP shall hire a qualified post-construction stormwater inspector to at least annually, inspect the BMPs, including but not

limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all municipal and state inspection, cleaning and maintenance requirements of the approved post-construction stormwater management plan.

- (b) *Maintenance and repair.* If the BMP requires maintenance, repair or replacement to function as intended by the approved post-construction stormwater management plan, the owner or operator of the BMP shall take corrective action(s) to address the deficiency or deficiencies as soon as possible after the deficiency is discovered and shall provide a record of the deficiency and corrective action(s) to the department of public ~~services~~ works ("DPSDPW") in the annual report.
- (c) *Annual report.* The owner or operator of a BMP or a qualified post-construction stormwater inspector hired by that person, shall, on or by June 30 of each year, provide a completed and signed certification to DPS in a form provided by DPSDPW, certifying that the person has inspected the BMP(s) and that ~~the yarethey are~~ adequately maintained and functioning as intended by the approved post-construction stormwater management plan, or that they require maintenance or repair, including the record of the deficiency and corrective action(s) taken.
- (d) *Filing fee.* Any persons required to file and annual certification under this section shall include with the annual certification a filing fee established by ~~DPS~~ DPW to pay the administrative and technical costs of review of the annual certification.
- (e) *Right of entry.* In order to determine compliance with this article and with the post-construction stormwater management plan, ~~DPS~~ DPW may enter upon property at reasonable hours with the consent of the owner, occupant or agent to inspect the BMPs.

...

Sec. 32-39. Enforcement.

It shall be unlawful for any person to violate any

provision of or to fail to comply with any of the requirements of this article or of the post-construction stormwater management plan. Whenever the enforcement authority believes that a person has violated this article, ~~DPS-DPW~~ may enforce this article in accordance with 30-A M.R.S.A. § 4452. Each day on which a violation exists shall constitute a separate violation for purposes of this section.

(a) *Notice of violation.* Whenever ~~DPS-DPW~~ believes that a person has violated this article or the post-construction stormwater management plan, ~~DPS-DPW~~ may order compliance by written notice of violation to that person indicating the nature of the violation and ordering the action necessary to correct it, including, without limitation:

...

(d) *Appeal of notice of violation.* Any person receiving a notice of violation or suspension notice may appeal the determination of the enforcement authority to the city manager or his or her designee. The notice of appeal must be received within 30 days from the date of receipt of the notice of violation. The city manager shall hold a hearing on the appeal within 30 days from the date of receipt of the notice of appeal, except that such hearing may be delayed by agreement of the city manager and the appellant. The city manager may affirm, reverse or modify the decision of the ~~DPS-DPW~~. A party aggrieved by the decision of the city manager may appeal that decision to the Maine superior court within forty-five (45) days of the date of the city manager's decision pursuant to Rule 80B of the Maine Rules of Civil Procedure.

BE IT FURTHER ORDERED, that the Office of Corporation Counsel shall have the authority to amend any such other sections of the Portland City Code in order to effect the name change described herein; from the Department of Public Services to the Department of Public Works.