

Order 183-14/15

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**CITY OF PORTLAND  
IN THE CITY COUNCIL**

Effective 5/6/2015

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**AMENDMENT TO PORTLAND CITY CODE  
CHAPTER 12. GARBAGE, WASTES AND JUNK  
RE: ABANDONED BICYCLES**

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

*That Chapter 12 is hereby amended to read as follows:*

**Art. I. In General, § 12-1--12-15**

**Art. II. Garbage and Solid Waste Removal/Recycling, §§  
12-16--12-45**

**Art. III. Health Nuisances, §§ 12-46--12-60**

**Art. IV. Public and Private Dumps, §§ 12-61--12-74**

**Art. V. Junked Motor Vehicles, §§ 12-75--12-99**

**Art. VI. Solid Waste Disposal, §§ 12-100--12-119**

**Art. VII. Rendering Wastes, §§ 12-120--12-205**

Div. 1. Generally, §§ 12-120--12-149

Div. 2. Waste Transportation Licenses, §§ 12-150--12-199

Div. 3. Construction and Operation of Rendering Facilities,  
§§ 12-200--12-205

**Art. VIII. Abandoned Bicycles, §§ 12-206--12-209**

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**Article VIII. Abandoned Bicycles**

**Sec. 12-206. Authority and Purpose.**

The purpose of this Article is to make space available on  
the City's limited bicycle parking facilities, remove  
obstructions to the public right of way, and ensure recovered  
bicycles are put to productive uses for the community.

**Section 12-207. 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.

(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 and demanding its removal.

(d) Non-profit partner means a local organization that specializes in refurbishing bicycles and that has expressed an interest and ability to put recovered bicycles back into productive uses for the community.

### **Section 12-208. Identification & Removal Process**

(a) Where the Department of Public Services concludes that a bicycle meets the definition of an abandoned bicycle outlined in section 12-207(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 for a minimum of 30 days.

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

### **Section 12-209. 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 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 12-206.