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**CITY OF PORTLAND
IN THE CITY COUNCIL**

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 6
RE: BIRD FRIENDLY BUILDING AND DESIGN REQUIREMENTS**

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

*1. That the Sections 6-185 TO 6-189 of the Portland City Code
Chapter 9 are hereby amended to read as follows:*

Chapter 6— BUILDINGS AND BUILDING REGULATIONS*

Art. I. In General, §§ 6-1--6-15

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Art. VII. Green Building Code, §§ 6-165 - - 6-177

**Art. VII-A. Bird Friendly Building and Design Requirements §§
6-185--6-189**

Art. VIII. Property Assessed Clean Energy, §§ 6-190--6-199

Div. 1. Property Assessed Clean Energy, §§ 6-190-6-194

**Div. 2. Commercial Property Assessed Clean Energy §§ 6-195--
6-199**

Art. IX. Disorderly Houses, §§ 6-200-6-204

Art. X. Energy Benchmarking, §§6-205-6-218

Art. XI. Tenant Housing Rights, §§6-219-6-229

Art. XII. Rent Control and Tenant Protections, §§6-230-6-244

Art. XIII. Rent Board, §§6-250-6-263

ARTICLE VII-A. BIRD FRIENDLY BUILDING AND DESIGN REQUIREMENTS

Sec. 6-185.—~~Reserved.~~ Purpose.

The purpose of the Bird Friendly Building and Design
Requirements contained in this Article is to reduce bird mortality
from windows or other specific building features known to increase
the risk of bird collisions.

Sec. 6-186.——~~Reserved.~~ Definitions.

The following words and phrases shall be defined as set forth below for use in this article.

Bird Friendly Material shall mean a material or assembly that has, or has been treated to have, a maximum threat factor of 30 in accordance with:

- (a) The American Bird Conservancy Bird Collision Deterrence Material Threat Factor Reference Standard; or
- (b) The American Bird Conservancy Bird-friendly Materials Evaluation Program at Carnegie Museum's Avian Research Center test protocol; or
- (c) With a relevant American Society for Testing and Materials (ASTM) standard.

Threat Factor shall mean a measure of a bird's ability to see and avoid a building material. Threat Factor (TF) is determined by a number ranging between 1 and 100 that indicates the relative effectiveness of materials or assemblies typically used in reducing bird collisions. A TF of 1 represents least threatening and a TF of 100 represents most threatening.

Sec. 6-187.——~~Reserved.~~ Applicability.

The bird friendly requirements [set forth in this article](#) shall apply to the following types of projects:

- (a) New construction or additions greater than 10,000 SF in floor area; and
- (b) Alterations to buildings greater than 10,000 SF in floor area in which at least 50% of the building's exterior glazing is being replaced within a period of three-years.

Sec. 6-188.——~~Reserved.~~ Exemptions.

The bird friendly requirements shall not apply to the following:

- (a) Residential buildings. However, the requirements shall apply to hotel and motel projects.
- (b) Operable sash windows such as single-hung, double-hung, casement, awning, sliders, and tilt turns.
- (c) Locally Designated Historic Landmarks and designated contributing buildings in historic districts. However, the requirements shall apply to additions in accordance with Sec. 6-187(a), to locally designated historic landmarks and designated contributing buildings in historic districts.
- (d) Glazing on the ground floor for retail storefronts or food and beverage uses including bars and restaurants.

Sec. 6-189. ~~Reserved.~~ Bird Friendly requirements.

(a) Building facades up to 75 feet above grade. Building facades, and any associated openings, shall be constructed with bird friendly materials up to 75 feet above grade. Other materials may be used to the extent that they do not exceed an aggregate of 10 square feet within any 10 feet by 10 feet square area of building facade below 75 feet above grade.

(b) Bird Hazard Installations. Bird hazard installations are architectural features that provide a clear line of sight on the exterior of buildings including but not limited to, skywalks, awnings, glass railings and guards, windbreak/windscreen panels, acoustic barriers, and glass fins greater than 10 inches from the face of the facade. Bird hazard installations on the exterior of a building shall be constructed of bird friendly materials regardless of their height above grade.

(c) Fly-through Conditions. Fly-through building elements, meaning one or more panels of glass that provide a clear line of sight creating the illusion of a void leading to the other side, including parallel glass elements, at a distance of 17 feet or less, or all glass within fifteen feet of a building corner shall

be constructed with bird friendly materials up to 75 feet above grade.

(d) *Adjacent to Green Roofs.* Building facades, and any associated openings, adjacent to a green roof on the same building shall be constructed with bird friendly materials up to 12 feet above the horizontal surface of the green roof.

