



Permitting and Inspections Department  
Michael A. Russell, MS, Director

## Outdoor Dining Permit Application

Please circle all that apply:

New Application? (Yes/No)  Yes  No  
 Renewal? (Yes/No)  Yes  No → If yes, are there any changes? (Yes/No)  Yes  No  
 Private Property? (Yes/No)  Yes  No  
 Historic District? (Yes/No)  Yes  No  
 Liquor License Required? (Yes/No)  Yes  No  
 Permitting and Inspections Director Signature \_\_\_\_\_  
 OR Pending City Council Date \_\_\_\_\_ (D/M/Y)

Location Name: <u>DAVID'S RESTAURANT</u>	Chart	Block	Lot#
Address: <u>22 MONUMENT SQ - PORTLAND</u>			

Owner Name: <u>ALAN MOONEY - 22 MONUMENT SQ. LLC</u>	Total Square Footage of Outdoor Dining Area: <sup>1</sup>
Phone #: <u>207-828-1969</u>	Length: ( <u>36</u> ) x Width ( <u>9</u> ) = <u>324</u>
Email: <u>DAMOONEY@CRITERIUM-engineers.com</u>	

Applicant must be owner or lessee. Name: <u>DAVID TURIN</u> Address: <u>22 MONUMENT SQ</u> City: <u>PORTLAND</u> State & Zip: <u>MAINE 04101</u> E-Mail: <u>DAVID@DAVIDSRESTAURANT.COM</u>	Please pay before the permit can be issued. \$125 (One-time Private Property fee) or \$80 (Annual Public Fee) + Total Sq. Ft.: <u>324</u> x <input checked="" type="radio"/> (\$2) or (\$6 in public parks) = Total Fee of \$ <u>\$728</u>
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Current use: RESTAURANT Business name: DAVID'S RESTAURANT  
 How many chairs? 26 How many tables? 6  
 Please circle one of the following: Alcohol is served = (Yes/No).

Who should we contact?  
 Name: DAVID TURIN  
 Phone: 207-423-1986  
 Address: 22 MONUMENT SQ, PORTLAND 04101 E Mail: DAVID@DAVIDSRESTAURANT.COM

I hereby certify that I am the owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit. For further information, please visit [www.portlandmaine.gov](http://www.portlandmaine.gov), email [permitting@portlandmaine.gov](mailto:permitting@portlandmaine.gov), call 874-8703 or stop by Room 315, City Hall. Applications and renewals are reviewed annually and must be submitted by June 1.

Signature of Applicant: [Signature] Date: 3/3/17

<sup>1</sup> The total dining area square footage shall equal no more than 10% of park space without Parks, Recreation and Facilities waiver. Contact Sally DeLuca, Director, @ 207-808-5400 for waiver.



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**All outdoor dining permits are subject to the following:**

Design and Construction

Existing Sidewalk Width (property line to curb)	Sidewalk Dining Allowed?	
< 8'0"	No	
≥ 8'0"	Yes – up to 60% of sidewalk width.	
Sidewalk Type	Sidewalk Passage Required	
	Width (minimum)	Height (minimum)
Standard sidewalk	4'0"	6'8"
Street corner	5'0"	6'8"

- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes to existing straight passage is at the discretion of the City.
- Egress must be maintained free of obstruction.
- Permanent fixtures, such as awnings, require a building permit separate from the Outdoor Dining permit and subject to approval by the Building Authority.
- Umbrellas do not require a permit.
- Umbrellas must be secured and maintain the height clearance for sidewalk passage.

Barriers

- Free-standing barriers are preferred. Physical attachments to a building are subject to administrative review, especially in historic districts.
- Stanchions and ropes are encouraged. Sectional fencing is allowed with a high degree of visual transparency (at least 50% open). Solid or opaque barriers are not allowed.
- Shall not exceed 42" in height and may not include commercial signage.

Maintenance and Operations

- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- The permit holder is responsible for keeping the outdoor seating area clean.
- No food shall be prepared in the designated outdoor dining area.
- If alcohol is to be served, then the permit holder must be approved for outdoor dining by the City Council. To initiate the process, notify the Business Licensing Office at 874-8557.



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- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.
- Adjacent on-street parking requires Parking Office review and Building Authority approval.

I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Portland, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk or park space. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Portland, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use there from, and (2) is caused in whole or in part by any negligent act or omission of the establishment, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

Signed and acknowledged: \_\_\_\_\_

Date: \_\_\_\_\_

3/3/17

Printed name: \_\_\_\_\_

DAVID TURIN

Establishment: \_\_\_\_\_

DAVID'S RESTAURANT

Location: \_\_\_\_\_

22 MONUMENT SQ. PORTLAND 04101