

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK CITY OF PORTLAND

BUILDING INSPECTION

PERMIT

Permit Number: 080459

Please Read Application And Notes, If Any, Attached

This is to certify that MALONE JOSEPH M & A MARIE ITS

has permission to Outside seating 2 Tables & chairs

AT 45 MIDDLE ST

028 P016001

50 sq ft

provided that the person or persons firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification of inspection must be given and when permission is procured before this building or part thereof is occupied or service is closed-in. 4
YOUR NOTICE IS REQUIRED

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

Fire Dept.
Health Dept.
Appeal Board
Other

OTHER REQUIRED APPROVALS

PERMIT ISSUED

JUN 13 2008

Department Name

CITY OF PORTLAND

Amfante 5/14/08

Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

City of Portland, Maine - Building or Use Permit Application

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

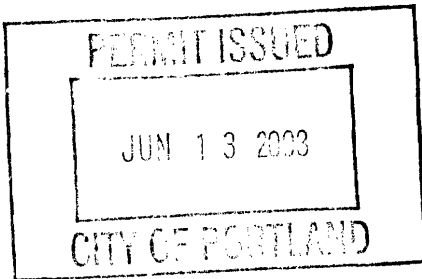
Permit No: 08-0459	Issue Date: 05/07/2008	CBL: 028 P016001
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Location of Construction: 45 MIDDLE ST	Owner Name: MALONE JOSEPH M & ANN MA	Owner Address: 30 HIGHLAND ST	Phone:
Business Name:	Contractor Name:	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Outdoor Seating	Zone: B2b

Past Use: Restaurant "Duckfat"	Proposed Use: Restaurant "Duckfat" - Outside seating 2 Tables & 4 Chairs <i>56 sq ft</i>	Permit Fee: \$192.00	Cost of Work: \$192.00	CEO District: 1
Proposed Project Description: Outside seating 2 Tables & 4 Chairs <i>56 sq ft</i>		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied INSPECTION: Use Group: <i>A2</i> Type: <i>Outdoor Seating</i> Signature: <i>5/11/08 JWR</i>		PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Signature: _____ Date: _____

Permit Taken By: Idobson	Date Applied For: 05/02/2008	Zoning Approval
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1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules. 2. Building permits do not include plumbing, septic or electrical work. 3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..	Special Zone or Reviews <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date: <i>5/13/08</i>	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date: _____	Historic Preservation <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date: _____
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CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE	PHONE

City of Portland, Maine - Building or Use Permit

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 08-0459	Date Applied For: 05/02/2008	CBL: 028 P016001
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Location of Construction: 45 MIDDLE ST	Owner Name: MALONE JOSEPH M & ANN MA	Owner Address: 30 HIGHLAND ST	Phone:
Business Name:	Contractor Name:	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Outdoor Seating	

Proposed Use: Restaurant "Duckfat" - Outside seating 2 Tables & 4 Chairs 56 sq ft	Proposed Project Description: Outside seating 2 Tables & 4 Chairs 56 sq ft
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Dept: Zoning	Status: Approved	Reviewer: Marge Schmuckal	Approval Date: 05/08/2008	Note:	Ok to Issue: <input checked="" type="checkbox"/>
Dept: Building	Status: Approved with Conditions	Reviewer: Jeanine Bourke	Approval Date: 05/14/2008	Note:	Ok to Issue: <input checked="" type="checkbox"/>
1) The outside dining permit is approved for the area delineated at the inspection and stated on the permit, and must be kept on site. THIS PERMIT MUST BE RENEWED ANNUALLY 2) This permit approves outside seating only. Any food, alcohol or entertainment in this space requires licensing approvals from the City Clerk. 3) The tables and chairs must not block any means of egress of any building.					

Comments: 5/8/2008-mes: returned to the front staff.
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Administrative Regulation

OUTDOOR DINING PERMITS

I. Purpose

It is the purpose of this regulation to establish the policy of the City and the procedures to be used for the issuance of outdoor dining permits pursuant to City Code section 25-26 et seq.

II. Policy

It is the policy of the City to permit food service establishments to expand their businesses to the outdoors on city sidewalks, public ways and other public places, including parks. Such expansions onto city property shall be permitted on a case-by-case basis, upon application to the city and payment of a fee, in accordance with certain conditions.

It is the policy of the City that due to the high value of downtown park space, expansion of a private business into such areas shall require a higher fee than expansion into a sidewalk or other public way. Further, in no instance shall the total square footage of dining area equal more than 10% of park space, unless the applicant obtains a waiver from the Director of Parks and Recreation or his or her designee.

The following procedures are to be followed in the issuance of outdoor dining permits.

III. Procedures

A. Application and Permit

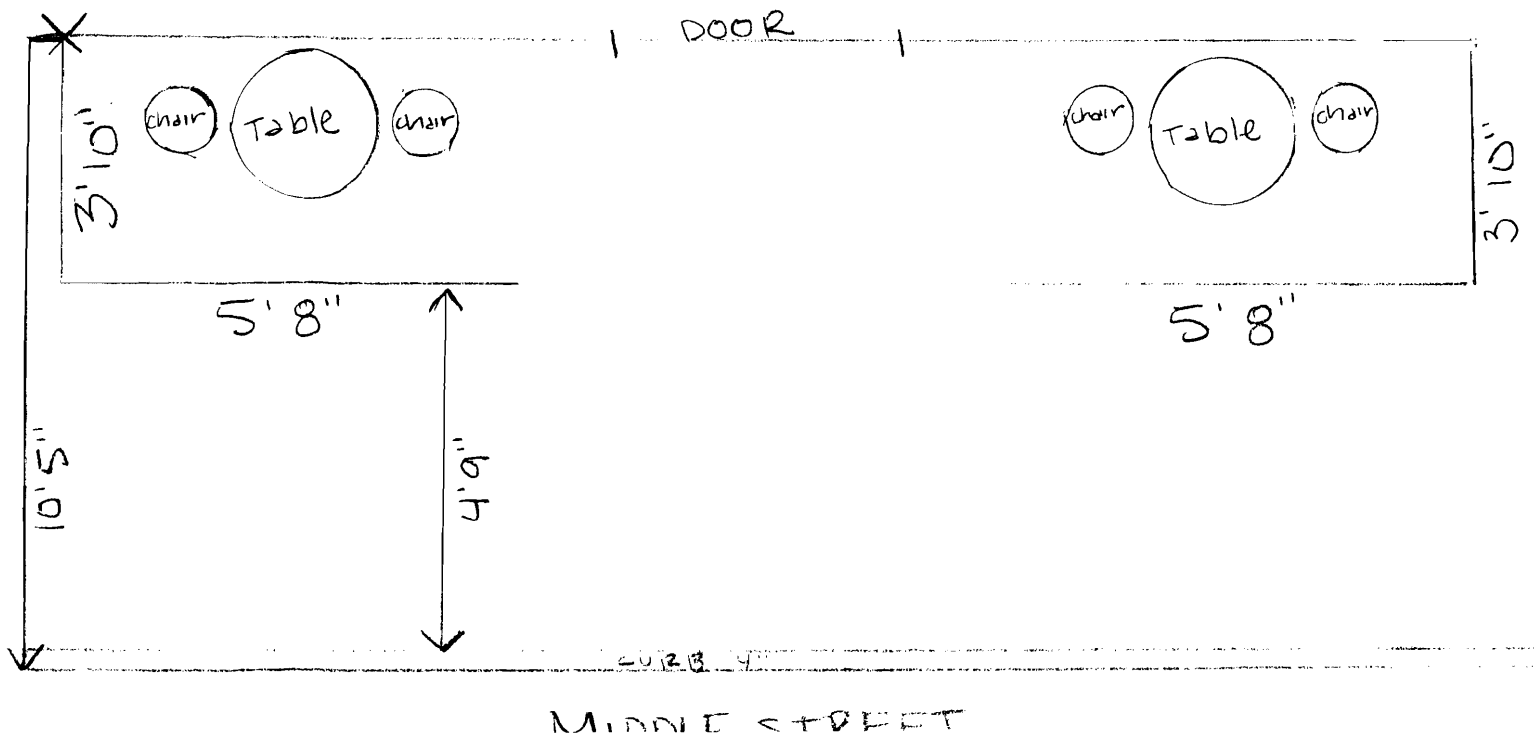
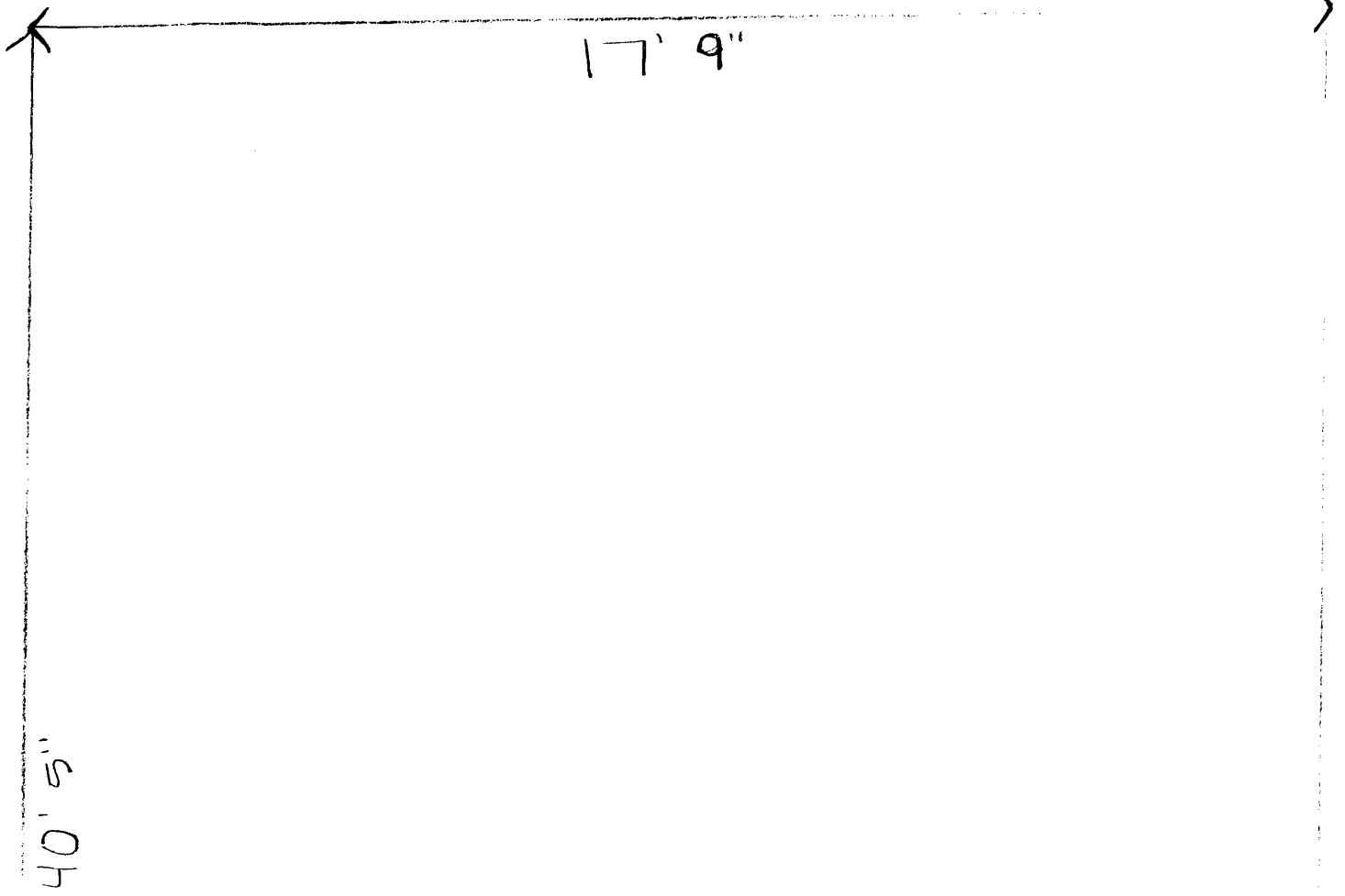
1. A food service establishment shall submit an application and fees to the Inspections Division for an outdoor dining permit.
2. The application shall contain a drawing of the dining area that the applicant intends to occupy that includes the location of the street, the sidewalk width and curbing location, and the location of chair and table placement.
3. Upon receipt of a new application, city staff will conduct a site visit to ensure that the measurements provided are correct and that there is sufficient open sidewalk area remaining in accordance with the Americans with Disabilities Act. The permit area will be permanently delineated to ensure compliance.

B. Permit Conditions

1. There must be a minimum of four feet of open sidewalk from the outer boundary of the seating area to the curb, and a minimum of five feet on a corner, per the Americans with Disabilities Act, and egress from the building must be maintained free of obstruction

per the building code and NFPA Life Safety Code.

2. The tables and chairs must be placed within the permitted area on the sidewalk in such a manner as to allow the free and safe passage of pedestrian traffic. If the tables and chairs are moved and located outside of the permitted outdoor seating area, they must be relocated to within the permitted area. Failure to contain the tables and chairs to the permitted area may result in a reduced permitted area or a revocation of the permit.
3. The permit holder is responsible for keeping the outdoor seating area clean. The sidewalk area where the tables and chairs are located must be kept neat and free from litter and debris.
4. The permit holder is required to produce and maintain public liability insurance coverage in an amount of not less than four hundred thousand dollars (\$400,000) combined single limit for bodily injury, death and property damage, naming the City as an additional insured thereon.
5. No food shall be prepared outside.
6. If alcohol is to be served, the permit holder must notify the City's Business Licensing Office and obtain approval for the service of alcohol outdoors. Additionally, State law requires that any outdoor area serving alcohol be segregated from the rest of the public.
7. All tables and chairs shall be removed prior to a predicted snowfall and while any snow or ice exists within the designated outdoor seating area or within four feet from the boundaries thereof. The City will not be responsible for damage to any tables, chairs or other property that is not properly removed when the City is engaged in sidewalk maintenance activities. Failure to remove tables and chairs during a snowfall may result in revocation of the permit.
8. The applicant shall sign a release, indemnification and hold harmless agreement prior to the issuance of the permit.
9. If smoking is permitted in the outdoor dining area, the permittee shall provide ashtrays. If smoking is not permitted, the permittee shall post "No Smoking" sign.



Fax # 874.8716



OUTDOOR DINING PERMIT CHECKLIST

Permits are required for expanding food service establishments to the outside on City Property. The annual fee is \$80.00 plus \$2.00 per square foot of dining area on streets, sidewalks or other public ways and \$80.00 plus \$6.00 per square foot of dining area in city parks. Outdoor dining is permitted year round under the permit; however, furniture must be removed in inclement weather to allow for sidewalk snow removal. **The permit must be renewed each year.**

All of the following information is required and must be submitted. You will also be required to fill out an Outdoor Dining Permit Application.

A plot plan is required and must include:

- A drawing of the lot, where the building sits on the lot along with the lot and building dimensions
 - The dimensional setback from the sidewalk to the building
 - The location of the street, and if it's a corner lot, the intersecting streets
 - The sidewalk along with its width and curbing location
 - The location of the table and chair placement, including dimensions
- (NOTE: there must be a minimum of four feet of open sidewalk from the outer boundary of the seating area to the curb, and a minimum of five feet on corners, and egress from the building must be maintained free of obstruction per the building code and NFPA Life Safety Code).

Additional Requirements:

- Faxed* The permit holder is required to produce, at the time of submission, and maintain public liability insurance coverage in an amount of not less than four hundred thousand dollars (\$400,000) combined single limit for bodily injury, death and property damage, naming the City as an additional insured thereon.

All permits for outdoor dining are issued subject to the following conditions:

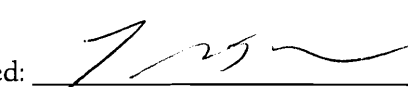
- The tables and chairs must be placed within the permitted area on the sidewalk in such a manner as to allow the free and safe passage of pedestrian traffic. If the tables and chairs are moved and located outside of the permitted outdoor seating area, they must be relocated to within the permitted area. Failure to contain the tables and chairs to the permitted area may result in a reduced permitted area or a revocation of the permit.
- The permit holder is responsible for keeping the outdoor seating area clean. The sidewalk area where the tables and chairs are located must be kept neat and free from litter and debris.
- No food shall be prepared outside.



- If alcohol is to be served, the permit holder must notify the City's Business Licensing Office in room 203 of City Hall or by telephone at 874-8557 and obtain approval for the service of alcohol outdoors. Additionally, State law requires that any outdoor area serving alcohol be segregated from the rest of the public.
- All tables and chairs shall be removed prior to a predicted snowfall and while any snow or ice exists within the designated outdoor seating area or within four feet from the boundaries thereof. The City will not be responsible for damage to any tables, chairs or other property that is not properly removed when the City is engaged in sidewalk maintenance activities.
- The permit holder shall comply with all applicable rules and regulations implemented by the city regarding outdoor dining.

Failure to comply with any of the above conditions will result in revocation or non-renewal of the permit.

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: 4/20/08
 Printed name Nancy Pugh
 Establishment DUCKFAT, loc.
 Location 43 Middle ST, Portland



Outdoor Dining Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Outdoor Seating: <u>43 Middle St.</u>		
Total Square Footage of Proposed Seating Area ¹	<u>30</u>	Square Footage of Lot <u>6,000 SQ FT</u>
Tax Assessor's Chart, Block & Lot Chart# Block# Lot#	Owner: <u>Nancy Pugh</u>	Telephone: <u>774-8538</u>
Lessee/Buyer's Name (If Applicable)	Applicant * <u>must</u> be owner or Lessee Name Address City, State & Zip	Annual Fee: <u>\$80</u> Sq Ft Fee: \$ <u>56</u> of <u>sq ft.</u> Total Fee: \$ _____
Current use: <u>RESTAURANT</u>		
Business name: <u>Duckfat</u> <u>Actually is</u>		
Seating area dimensions: <u>3'x5'</u> <u>3'x5'</u> = <u>(4x7 + 4FT x 7)</u> <u>56 SQ FT</u>		
How many chairs? <u>4</u> How many tables? <u>2</u>		
Alcohol to be served outside? circle one: <u>YES</u> NO		
Who should we contact for the pre-inspection: <u>Nancy Pugh</u>		
Mailing address: <u>43 Middle St.</u> Phone: <u>207-774-8538</u> <u>Portland, ME 04101</u>		

Please submit all of the information outlined in the Outdoor Dining Application Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information visit us on-line at www.portlandmaine.gov, stop by the Building Inspections office, room 315 City Hall or call 874-8703.

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.

[Signature]
Signature of Applicant

4/20/08
Date

This is not a permit; you may not commence ANY work until the permit is issued.

¹ In no instance shall the total square footage of dining area equal more than 10% of park space, unless the applicant receives a waiver from the Director of Parks and Recreation or his or her designee.

Invoice sent 6/12/08

Paid - 6/13/08 10054

**CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT**

389 Congress Street
Portland, Maine 04101

INVOICE FOR PERMIT FEES

Application No: 8-0459	Applicant: MALONE JOSEPH M & ANN MA
Project Name: Outside seating 2 Tables & 4 Chairs	Location: 45 MIDDLE ST
CBL: 028 P016001	Development Type:
Invoice Date: 05/08/2008	

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$0.00		\$0.00		\$192.00		\$0.00		\$192.00	On Receipt

First Billing

Previous Balance	\$0.00
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<u>Fee Description</u>	<u>Qty</u>	<u>Fee/Deposit Charge</u>
Outside Seating Sidewalk	56	\$112.00
Outside Seating	1	\$80.00
		\$192.00
Total Current Fees:	+	\$192.00
Total Current Payments:	-	\$0.00
Amount Due Now:		\$192.00

Detach and remit with payment

Bill to: MALONE JOSEPH M & ANN MARIE JTS
30 HIGHLAND ST
PORTLAND, ME 04103

CBL 028 P016001
Application No: 8-0459
Invoice Date: 05/08/2008
Invoice No: 31026
Total Amt Due: \$192.00
Payment Amount:

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.