Outdoor Dining Permit Application

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

Reviewed for Code Compliance
Inspections Division
Approved with Conditions

Date: 06/01/15

Check all that apply:

- ☐ **New** Application for Outdoor Dining or ☑ **Renewal** Application for Outdoor Dining
- ☐ Outdoor Dining in a **Public Park**
- ☐ Outdoor Dining in a **Historic District**
- ☐ **Petition** for Exception for Special Circumstances
- ☐ **Liquor License** required

If **Renewal,** are there changes to previous permit? ☐ **Yes** ☑ **No**

City Clerk signature for liquor license approval: OK'd by City Ck 05/05 bs.

Pending Council Date: _____

Location Name & Address: Ribollita 41 middle St.	**Chart** **Block** **Lot**
Owner Name: Steven Quiet **Owner Phone #:** 878-3911	**Total Square Footage of Proposed Outdoor Dining Area:**[1]
Applicant *must* be owner or lessee Name: Kevin Quiet Address: 14 Slocum Dr. City, State & Zip: Falmouth, Me. 04105 E-Mail: K Quiet@Maine.rr.com	**Annual Fee:** **$80** Total Sq. Ft.: 126 Sq. Ft. Fee: (sq ft x $2) $_____ (sq ft x $6 for public parks) (*Due when issued*) **Total Fees:** $ 332.00 (Permit not issued until all fees are paid)

Current use: Outside Seating

Business name: Ribollita

Seating area dimensions: _____

How many chairs? 8 How many tables? 4

☑ **Yes** Alcohol is served.

☐ **No** Alcohol being served.

Who should we contact for the pre-inspection: Kevin Quiet

Mailing address: 41 Middle St. Phone: 774-2942

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. New applications and renewals are reviewed on an annual basis and should be submitted no later than June 1st.

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 of Applicant: [signature] Date: 5-5-15

[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.***

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

Revised 04-02-15

OUTDOOR DINING PERMIT CHE

Reviewed for Code Compliance
Inspections Division
Approved with Conditions

Date: 06/01/15

Permits are required for expanding food service establishments to the outside on Cit annual fee is $80.00 plus $2.00 per square foot of dining area on streets, sidewalks o and $80.00 plus $6.00 per square foot of dining area in city parks. The annual fee is d your permit application. The square footage fee is paid when you pick up your permit. ***For purposes of fee calculation, the area abutting the buildings which border Monument Square and extending ten (10) feet from the facade of said buildings shall be considered a sidewalk. The ten (10) foot area shall be measured from that portion of the facade that protrudes furthest into the sidewalk. The area beyond the ten (10) foot sidewalk shall be considered park space.***

Outdoor dining is permitted for the period April 1 - November 15. Barriers must be removed no later than November 15; however, furniture must be removed in inclement weather to allow for sidewalk snow removal. Requests to extend beyond the standard permit period require approval by the City Manager and should include explanation of installation and snow removal plan.

The permit must be renewed each year.

Application Checklist: All of the following information is required and must be submitted.

☑ **Outdoor Dining Permit Application Form**

☑ **A plot plan that shows:**

- ☐ The lot lines, where the building sits on the lot, and the lot and building dimensions
- ☐ The street location, and if it's a corner lot, the intersecting streets
- ☐ The sidewalk location, width, and curbing location
- ☐ The setback dimension from the sidewalk to the building
- ☐ The location of proposed outdoor dining area and its components (tables, chairs, barriers, planters, etc.) placement, including dimensions and total outdoor dining area (in square feet)

(NOTE: Under no circumstances shall an outdoor dining installation prevent a clear passageway for pedestrians. See Outdoor Dining Conditions below for dimensional requirements.)

☑ **A drawing and/or specification of any proposed barrier solution**

☑ **Proof of public liability insurance coverage:** 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.

Outdoor Dining Conditions:
All permits for outdoor dining are issued subject to the following conditions.

Reviewed for Code Compliance
Inspections Division
Approved with Conditions

Date: 06/01/15

Design and Construction:

Sidewalk Layout Dimensional Table

Existing Sidewalk Width (measured from property line to curb)	**Sidewalk Dining Allowed?**	
< 8'0"	No, but see option for petition subject to P Authority approval*	
≥ 8'0"	Yes – up to 60% of sidewalk width	
Sidewalk Passage Type	**Sidewalk Passage Required – clear and unobstructed:***	
	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. For example, on a 15'0" wide sidewalk, width of dining area may not exceed 9'0".
- ☑ A continuous, unobstructed sidewalk passage from the outer boundary of the seating area to the curb must be maintained according to the dimensional table above. This width must always contain a continuous unobstructed passage width of at least four feet (4'-0"). In cases where the passage is not straight due to existing obstacles, additional width may be required to ensure that turns can be safely maneuvered. Any request to place outdoor seating in a way that requires existing straight passage to change is discouraged and entirely at the discretion of the City. Requests to relocate moveable street furniture will be considered.
- ☑ Egress from the building must be maintained free of obstruction per the building code and NFPA Life Safety Code.
- ☑ Permanent fixtures (such as, but not limited to, awnings, permanent lighting, decks or platforms) – require a building permit separate from the Outdoor Dining permit and are subject to approval by Planning Authority (see below "Additional Review and Regulation").
- ☑ Umbrellas are permitted without a permit. Umbrellas must be secured or weighted and must maintain the 6'8" minimum height clearance for sidewalk passage.

Barriers:

- ☐ Are preferred to be free-standing. Physical attachments to a building are subject to administrative review, especially in historic districts.
- ☐ Consisting of stanchions and ropes/chains are encourage. Sectional fencing is allowed, provided it exhibits a high degree of visual transparency (at least 50% open). Solid or opaque barriers are not allowed.
- ☐ Shall not exceed 42" in height.
- ☐ May not include commercial signage (such as advertisements).

*Petition for Exception for Special Circumstances:

If one or more Outdoor Dining Conditions cannot be met because of special circumstances, applicant may petition for an exception. Applicant should indicate on application form whether such a petition is being requested and provide explanation of need for exception. For example, if outdoor dining cannot be accommodated on the sidewalk, the business may petition the City to occupy public right-of-way near their establishment as an alternative location for outdoor dining purposes. In these cases, the applicant may have to compensate the City for the right to occupy that space. Requests shall be reviewed and approved by the Planning Authority on a case-by-case basis and shall take into consideration competing demands in the area.

Reviewed for Code Compliance
Inspections Division
Approved with Conditions

Date: 06/01/15

Maintenance and Operations:

- ☑ Outdoor dining components must be placed within the permitted area on the sidewalk manner as to allow the free and safe passage of pedestrian traffic. If the tables and ch moved and located outside of the permitted outdoor seating area, they must be relocat the permitted area. Failure to contain outdoor dining components to the permitted are 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 outdoor dining area is located must be kept neat and free from liter and debris.
- ☑ No food shall be prepared in the designated outdoor dining area.
- ☐ If alcohol is to be served, the permit holder must first be approved for outdoor dining by the City Council. To initiate that process, 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 outdoor dining components 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.

Additional Review and Regulations:

- ☑ If your business is located within a historic district, the outdoor dining permit application must be reviewed and approved by Historic Preservation staff for conformance with these requirements and any additional design standards applicable in historic districts. (For example, specific design standards apply to outdoor dining installations on Wharf Street).
- ☑ Applications for outdoor dining installations within public parks require review and approval by the Planning Authority.
- ☑ Permanent fixtures (such as awnings, permanent lighting, or platforms) planned as part of an outdoor dining installation require a building permit and are subject to separate review and approval.
- ☑ Petition for use of adjacent on-street parking space for outdoor dining requires review by the Parking Office and approval by the Planning Authority.
- ☑ The permit must be renewed each year. New applications and renewals are reviewed on an annual basis and should be submitted to the City no later than June 1st of each year.
- ☑ Outdoor dining areas must also meet applicable ADA regulations. ADA accessible seating is required to be provided in outdoor dining scenarios.
- ☑ The permit holder shall comply with all applicable rules and regulations implemented by the City regarding outdoor dining. Refer to Chapter 25 Streets, Sidewalks, and Other Public Places in the City Code of Ordinances for additional regulations on the use of sidewalks.

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 harmless the City of Portland, its agents, officers and employees, from and against all cla losses and expenses, just or unjust, including, but not limited to costs of defense and attor out of the establishment's occupancy of the sidewalk or park space, provided that any suc loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury of tangible property including the loss of use there from, and (2) is caused in whole or in negligent act or omission of the establishment, anyone directly or indirectly employed by whose act it may be liable.

Reviewed for Code Compliance
Inspections Division
Approved with Conditions

Date: 06/01/15

Signed and acknowledged: _____ Date: 5-5-15

Printed name Kevin Quiet

Establishment Ribollita

Location 41 Middle St.