



Planning & Urban Development Department

Director of Planning and Urban Development
Jeff LevineInspection Services, Director
Tammy M. Munson

August 20, 2015

Even Tide Oyster Company
86 Middle Street
Portland, Maine 04104**CBL: 029 L004001**
Located at: 80 MIDDLE ST**Certified Mail 7010 1870 0002 8136 9005**

To whom it may concern:

You are receiving this letter in reference to a complaint that has been filed with our office regarding your Outdoor dining set up. As a reminder, please be sure that your business adheres to the following outdoor Dining guidelines and rules. Infractions are bolded below.

- **Under no circumstances shall an outdoor dining installation extend beyond a point that prevents a clear passageway for pedestrians. At least four feet (4') of continuous, unobstructed sidewalk width must be provided at all times. This width is allowed to meander from side to side to avoid obstacles, but must always contain a continuous unobstructed passage width of at least four feet (4'). Obstacles include light poles, trash cans, parking meter poles, sandwich board signs, trees, bike racks, etc.**
- Barriers shall be freestanding. No part of an outdoor dining installation may be physically attached to the building or sidewalk.
- **Barriers consisting of stanchions and ropes/chains are encouraged. However, barriers and anchors (planters, etc.) must be located within the designated outdoor dining area. Approved outdoor dining areas are designated by pegs in the sidewalk.**
- Barriers, including freestanding sectional fencing, shall not exceed 42" tall.
- Outdoor dining must be accommodated on the existing sidewalk; no decks or platforms may be constructed over the sidewalk.
- Permanent fixtures (such as awnings or permanent lighting) planned as part of an outdoor dining installation, require a building permit and are subject to separate review and approval. Umbrellas are permitted without a permit. Umbrellas must be weighted.
- Commercial signage is not allowed on barriers.
- Outdoor dining permits are allowed for the period April 1-November 15. Barriers must be removed no later than November 15. Requests to extend beyond the standard permit period require approval by the City Manager. New applications and renewals are done on an annual basis and should be submitted to the city no later than June 1st of each year.

Outdoor dining permits may be revoked immediately for non-compliance with these requirements.



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Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in Section 1-15 of the Code and in Title 30-A of M.R.S.A. Section 4452. This constitutes an appealable decision pursuant to Section 112 of the City of Portland Building Code.

If you wish to discuss this matter, or you have any questions, please feel free to contact me.

Sincerely

A handwritten signature in black ink that reads "Chuck Fagone".

Chuck Fagone

Code Enforcement Officer

(207) 874-8789