Outdoor Dining Permit Application

RECEIVED MAY 26 2015 Dept. of Building Inspections City of Portland Maine

Reviewed for Code Compliance
Inspections Division
Approved with Conditions

Date: 08/12/15

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

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: [illegible] Asst City Clerk

Pending Council Date: _____

Location Name & Address: Grittys McDuff's 396 Fore St. Portland, ME 04101	**Chart** **Block** **Lot**
Owner Name: Beer Guys LLC **Owner Phone #:** Richard Pfeffer 207.232.1042	**Total Square Footage of Proposed Outdoor Dining Area:**[1] 280
Applicant *must* be owner or lessee Name: Richard Pfeffer Address: 396 Fore St. City, State & Zip: Portland, ME 04101 E-Mail: richard@grittys.com	**Annual Fee:** **$80** Total Sq. Ft.: 280 Sq. Ft. Fee: (sq ft x $2) $ 560 (sq ft x $6 for public parks) (*Due when issued*) **Total Fees:** $ 640 (Permit not issued until all fees are paid)

Current use: Dining

Business name: Grittys McDuff's

Seating area dimensions: 280 ft2

How many chairs? 0 How many tables? 4

- ☑ **Yes** Alcohol is served.
- ☐ **No** Alcohol being served.

Who should we contact for the pre-inspection: Jacob Condon jake@grittys.com

Mailing address: 396 Fore St. Portland 04101 Phone: 207.409.5334

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: 5-20-15

[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

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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 cl moved and located outside of the permitted outdoor seating area, they must be reloca the permitted area. Failure to contain outdoor dining components to the permitted ar 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, indemnif harmless the City of Portland, its agents, officers and employees, from and against all cl losses and expenses, just or unjust, including, but not limited to costs of defense and atto out of the establishment's occupancy of the sidewalk or park space, provided that any su 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.

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Signed and acknowledged: _____ Date: 5/18/15

Printed name Richard Pfeffer

Establishment Gritty McDuff's

Location 396 Fore St. Portland 04101