Outdoor Dining Permit Application

Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 09/24/14

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.

☐ **New** Application for Outside Dining
☑ **Renewal** Application for Outside Dining

City Clerk signature for liquor license approval: _____

Pending Council Date:

Location Name & Address: 576 Congress St Portland, ME 04101	**Chart** 037 **Block** G **Lot** 7
Owner & Phone #: Michael Keon 207-517-3091	**Total Square Footage of Proposed Seating Area:**[1] 160'
Applicant *must* be owner or lessee Name: Michael Keon / OTTO Pizza Address: 576 Congress St. City, State & Zip: Portland, ME 04101 E-Mail: accounting@ottoportland.com	**Annual Fee:** **$80** Total Sq. Ft.: 160 Sq. Ft. Fee: (sq ft x $2) $ 320- (*Due when issued*) **Total Fees:** $ 400.00 (Permit not issued until all fees are paid)

Current use: Restaurant

Business name: OSCAR PIZZA LLC dba OTTO Pizza

Seating area dimensions: 5x6, 5x9, 5x9, 5x8

How many chairs? 20 How many tables? 5

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

Who should we contact for the pre-inspection: Will Held

Mailing address: williamh@ottoportland.com Phone: 207-632-3632

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 of Applicant: _____ Date: 8.25.14

[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 06-14-12

Portland, Maine | Yes. Life's good here.

Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 09/24/14

Jeff Levine, AICP, Director
Planning & Urban Development Department

Tammy Munson, Director
Inspections Division

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. The annual fee is due when you drop off 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 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
- [x] The dimensional setback from the sidewalk to the building
- [x] The location of the street, and if it's a corner lot, the intersecting streets
- [x] The sidewalk along with its width and curbing location
- [x] 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:

- [x] 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:

- [x] 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.

Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 09/24/14

☑ The permit holder is responsible for keeping the outdoor seating area clean. The sidewalk ar the tables and chairs are located must be kept neat and free from liter and debris.

☑ Nofood 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: 8-24-14

Printed name MIKE KEON

Establishment OTTO PIZZA (OSCAR PIZZA LLC)

Location 576 Congress Street Portland, ME

Revised 06-14-12

Portland, Maine | Yes. Life's good here.

Planning & Urban Development Department

Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 09/24/14

Director of Planning and Urban Development
Jeff Levine

Inspection Services, Director
Tammy M. Munson

August 5, 2014

Otto's Pizza
576 Congress Street
Portland, Maine 04101

CBL: 037 G007001 **Mail**
Located at: 576 CONGRESS ST

To whom it may concern:

An evaluation of the above-referenced property on **08/05/2014** revealed that outdoor dining was being conducted without benefit of a valid outdoor dining permit as required by section 25-26 (b) of The City Code.

Appropriate permitting has not been issued for the property listed above, you have **14 days** from the date of this notice to renew or apply for an outdoor dining permit for your location.

We have enclosed an outdoor dining permit application for your convenience.

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 Section112 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,

Chuck Fagone
Code Enforcement Officer
(207) 874-8789