Outdoor Dining Permit Application

Reviewed for Code Compliance
Inspections Division
Approved with Conditions

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

Date: 05/12/14

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

City Clerk signature for liquor license approval: Katherine Jones

Pending Council Date: 3/17/14

Location Name & Address: Hella Good Tacos LLC (operating as Steve & Renee's Diner) 500 Washington Ave Portland, ME 04103	**Chart** **Block** **Lot**
Owner & Phone #: Hell	**Total Square Footage of Proposed Seating Area:**[1] 300
Applicant *must* be owner or lessee Name: Address: City, State & Zip: E-Mail:	**Annual Fee:** $80 Total Sq. Ft.: _____ Sq. Ft. Fee: (sq ft x $2) $_____ (*Due when issued*) **Total Fees:** $_____ (Permit not issued until all fees are paid)

Current use: Diner: Steve & Renee's Diner

Business name: Hella Good Tacos LLC

Seating area dimensions: 10 x 20

How many chairs? _____ How many tables? 4 picnic tables

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

Who should we contact for the pre-inspection: Melissa or Josiula Bankhead

Mailing address: 16 Brewer St Portland ME Phone: 207-310-3074 or 310-1090

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: 2/10/14

[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

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Permits are required for expanding food service establishments to the outside on Ci annual fee is $80.00 plus $2.00 per square foot of dining area on streets, sidewalks and $80.00 plus $6.00 per square foot of dining area in city parks. The annual fee is 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:

- [x] 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:

- [ ] 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.

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- ☐ The permit holder is responsible for keeping the outdoor seating area clean. The s 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: 2/24/14

Printed name Joshua Bankhead

Establishment Hella Good Tacos LLC

Location 500 Washington Ave Portland Me 04103

Revised 06-14-12