

CITY OF PORTLAND, OREGON
BUREAU OF TRANSPORTATION

Permit # xx-xxxxxx-TR

Issue Date: _____

DEVELOPMENT AND CAPITAL PROGRAM

REVOCABLE PERMIT TO USE DEDICATED STREET AREAS

The undersigned applies for a revocable permit in accordance with the provisions of the City Charter and Title 17, Public Improvements of the Code of the City of Portland for use of the street area at **NAME, ADDRESS, Portland, Oregon, XXXXX**. This permit authorizes the permittee, at its sole cost and expense, to purchase, install, maintain, repair and remove a **XX foot** temporary sidewalk extension platform (the "Platform"), as illustrated by site plans submitted to and approved by the Portland Bureau of Transportation.

(CONDITIONS)

- (1) This permit shall be for a temporary initial term, commencing on the date issued (above) and terminating one year from the issue date, unless terminated earlier as provided herein.
- (2) This permit is specifically limited to the approved area within the Platform, as illustrated in the submitted and approved plans.
- (3) The Platform shall be defined as sidewalk. This permit grants permission to extend café seating to the Platform area, which shall comply with Section 17.25.080, Sidewalk Cafes, of the Code of the City of Portland, for the duration of the permit. City Code states that it is unlawful for any person to operate a sidewalk café on any public street or sidewalk within the City of Portland without first obtaining a valid permit from the City Engineer.
- (4) The permittee shall oversee and ensure that the installation and removal of the Platform shall be completed in a safe and appropriate manner, in full compliance with the approved plans. The permittee shall oversee and ensure pedestrian traffic is appropriately managed during the installation and operation of the Platform.
- (5) Throughout the term of this permit, the permittee shall assume, at their own expense, the responsibilities for the maintenance and repair of the Platform. The permittee shall ensure the Platform remains in a good, clean and safe condition in accordance with the terms of this permit. In addition, the Platform shall, at all times, be free of trip hazards. The permittee shall perform maintenance and replacement of the Platform in a timely manner and all costs thereof shall be borne by the permittee.
- (6) The permittee shall respond promptly to any request by the City for repairs, replacements, modifications or adjustments to the Platform and immediately notify the City of the status of any such request.
- (7) The permittee shall ensure that the gutter areas below and adjacent to the Platform are free of debris of any kind and that water flow is not affected by the Platform. The facility, including five (5) feet on either end, will be swept and otherwise cleared of all debris at least once every other week. All trash will be removed from the facility and hauled with the regular trash hauling provided for by the subject property.
- (8) The permittee shall clean the Platform surface, incorporated benches/furniture and road surface below the Platform on a regular basis. Such cleaning shall include, but not be limited to, chewing gum removal.

- (9) The permittee shall obtain any required Oregon Liquor Control Commission permits and shall comply with all provisions of said permits. Failure to obtain or comply with OLCC regulations shall result in immediate revocation of this permit.
- (10) This permit is for the use of the street area only, and shall not exempt the permittee from obtaining any license or permit required by the City Code or Ordinances for any act to be performed under this permit, nor shall this permit waive the provisions of any City Code, Ordinance, or the City Charter, except as herein stated.
- (11) This permit is revocable by the City Engineer at any time in the event the public's need requires it, or the permittee fails to comply with the conditions of this permit, and no expenditure of money hereunder, lapse of time, or other act or thing shall operate as an estoppel against the City of Portland, or be held to give the permittee any vested or other right. Upon the expiration of this permit, or upon its sooner revocation by the City Engineer, the permittee shall, within seven (7) days, remove said installations from the street area and restore the street area as directed by and to the satisfaction of the City Engineer.
- (12) The permittee shall hold the City of Portland, its officers, agents and employees free and harmless from any claims for damages to persons or property, including legal fees and costs of defending any actions or suits, including any appeals, which may result from the permitted activity.
- (13) This permit is personal to the permittee and may not be transferred, assigned or otherwise conveyed, and will require insurance with limits of coverage that will meet the maximum requirements for liability of a public body as set forth in ORS 30.260 through 30.300, or as it may be required by subsequent amendment and naming the City, its officers, agents and employees as additional insured. Said insurance shall be kept in full force and effect at all times. This permit is automatically revoked without further action by the City Engineer if this insurance is permitted to lapse, is canceled, or for any other reason becomes inoperative.
- (14) The permittee shall be liable to any person who is injured or otherwise suffers damage by reason of the permittee's failure to keep any structure located in the portion of the street area covered by this permit in safe condition and good repair. Furthermore, permittee shall be liable to the City of Portland, its officers, agents and employees, for any judgment or expense incurred or paid by the City its officers, agents or employees, by reason of the existence of any structure in the street area covered by this permit.
- (15) The permittee shall initiate construction authorized by this permit within ninety (90) days of the permit issue date. If the permitted work has not begun within ninety (90) days, the permittee shall reapply for a permit before beginning any work within the right-of-way.
- (16) Repair, maintenance and installation of existing or future utility facilities in the right-of-way may require permittee to reconstruct, move or remove the Platform authorized by this permit at the permittee's cost. To protect underground facilities, the permittee shall comply with the requirements of OAR 952-001-0010 through 952-001-0090. Utilities shall be notified and have an opportunity to locate their facilities at least two (2) days prior to commencing work allowed under this permit.
- (17) If, during construction allowed under this permit, it becomes necessary or expedient to modify the plan or location of any item authorized by this permit, the permittee shall first obtain the approval of the City Engineer.
- (18) The permittee must incorporate applicable erosion control measures referenced in Chapter 17.38.050 of the Code of the City of Portland.

- (19) No modification shall be made to any installation authorized under this permit without prior approval from the City Engineer. Failure to maintain the Platform in conformance with the approved plans or repair to or modification of the Platform without obtaining prior approval from the City Engineer shall cause immediate revocation of this permit without further action by the City Engineer. Within seven (7) days of revocation, the permittee shall remove the Platform from the street area and restore the street area to the satisfaction of the City Engineer.
- (20) The permittee shall be responsible for maintenance of the street area disturbed for installation of the Platform. Failure to maintain said street area, or failure to repair or replace any portion of said street area immediately upon notification from the Office of the City Engineer, shall be cause for the City Engineer to declare the Platform a nuisance. The City Engineer may summarily abate the nuisance, initiate proceedings through the Code Hearings Officer, file civil suit or take any other action necessary to ensure the permittee, transferee or assignee performs the required repairs to the public right-of-way.
- (21) The permittee shall, a minimum of fourteen (14) working days prior to beginning work on the Platform, notify staff in the Active Transportation Division (503-823-0805) of the proposed work schedule for the installation.
- (22) If the installation will require traffic control, the permittee will need to obtain the Traffic Engineer's requirements for hours of work, traffic control, and the placing of necessary signs and barricades before installation begins. Contact 503-823-SAFE.
- (23) The permittee shall provide PBOT with a final revised and complete set of plans after construction of the Platform. The plans shall accurately represent the Platform as built, show the exact location of all installations in the right-of-way and will be presented to PBOT at time of the inspection.
- (24) The permittee shall notify PBOT to schedule inspection by calling the Active Transportation Division (503-823-0805) a maximum of two (2) working days after to the completion of construction.

Insurance Approved -
Valid Café Seating Permit -

PERMITTEE:

Base Street Seats permit fee - \$
Private use of public right of way - \$
(x ft x \$105 per linear foot of right of way)
Lost meter revenue - \$
Additional incurred costs – \$

Sign _____

Print Name _____

Address:

TOTAL FEE - \$

CITY ENGINEER

SIGN _____