ORDINANCE No. 183751

*Grant revocable permit to St. John's Bizarre to close N Philadelphia Ave between N Lombard St and N Ivanhoe St from 8:00 a.m. until 7:00 p.m. on May 8, 2010 (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. St. John's Bizarre, 8334 N Hartman Street, Portland, OR 97203, through Shamos Lynsky, has requested permission to close N Philadelphia Ave between N Lombard St and N Ivanhoe St from 8:00 a.m. until 7:00 p.m. on May 8, 2010 to host a community event.

2. The applicant requests permission to locate a tent, concessions, restrooms, stage and fence in the requested street closure.

3. The applicant requests permission to possess, use and sell food and alcoholic beverages in the area covered by the requested closure on May 8, 2010.

4. The adjacent property owners have agreed in writing to this activity on the street in front of their property.

5. The applicant has paid the permit fee of $350 as provided for by Section 17.24.020 of the City Code.

6. Applicant has provided an Insurance Certificate, which has been approved by the City Attorney, with limits of coverage that will meet the minimum requirements for liability of a public body as set forth in ORS 30.260 through 30.300 which names the City, its officers, agents and employees as an additional insured.

7. The Traffic Engineer, Fire Marshal and Portland Police Bureau have reviewed the plans for the closure and for the tent and stage listed in Section 1-2 above and, under certain conditions, have no objection.

8. Granting said permission, under certain conditions, will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

a. The Mayor and Auditor are authorized to grant a revocable permit to St. John's Bizarre, 8334 N Hartman Street, Portland, OR 97203 to close N Philadelphia Ave between N Lombard St and N Ivanhoe St from 8:00 a.m. until 7:00 p.m. on May 8, 2010 to host a community event. The provisions of Section 14.24.030 related to possession, sale and consumption of alcoholic beverages, for the purpose of this permit only are hereby waived, subject to the following conditions:

(1) 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.

(2) This permit is revocable at any time at the pleasure of the City Council 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.

(3) 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 use of the street area under this permit.

(4) The permittee, as directed by the City Traffic Engineer, shall furnish necessary barricades, signs and illumination to accomplish said closure.

(5) The barricades shall be illuminated at each end during the evening hours and the barricades and any fences required in Section a-9 below shall be staffed at all times.

(6) No vehicles shall be allowed in the area to be closed except for those delivering or picking up equipment needed during the closure and emergency vehicles. The permittee shall be responsible for ensuring that no vehicles are allowed to remain parked in the closed area.

(7) This permit is for use of the street area only and shall be subject to necessary use by emergency vehicles. A 15' minimum width access lane for emergency vehicles must be provided at all times.

(8) Nothing contained herein shall limit the authority of the Bureau of Police and the Bureau of Transportation in maintaining the public peace and safety and upon a request of said Bureaus, the permittee shall immediately reopen the street to its normal use.

(9) The permittee shall obtain all 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. A fence, delineating the area to be used for consumption of alcoholic beverages and providing secure ingress and egress to the area shall be constructed and installed to the satisfaction of the OLCC.

(10) The permittee shall obtain from the City Noise Officer any requirements or permits regarding noise levels for the duration of the closure.

(11) The permittee shall, at their own expense, be responsible for cleaning the area around the closure and opening the street to pedestrian and vehicular traffic prior to 8:00 p.m. on May 8, 2010.

(12) 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, it officers, agents and employees as an additional insured. Said insurance is to be kept in full force and effect at all times. This permit is automatically revoked without further action by the Council if this insurance is permitted to lapse, is canceled, or for any other reason becomes inoperative.

Section 2. This Ordinance will not become effective until the permittee has filed with the City Auditor a document accepting the terms and conditions hereof which has been approved by the City Attorney. This Ordinance shall be automatically revoked without further consideration by the Council if the acceptance is not on file with the City Auditor within 2 calendar days of the passage of this Ordinance.

Section 3. The Council declares that an emergency exists because delay in the enactment of this Ordinance will result in an unnecessary hardship on the part of the applicant as to the status of the requested permit; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, MAY 05 2010

Mayor Sam Adams
Prepared by: Tom Brougham;akh
Date Prepared: May 4, 2010

LaVonne Griffin-Valade
Auditor of the City of Portland
By Susan Lawson
Deputy

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Agenda No.

ORDINANCE NO. 183751

Title

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INTRODUCED BY Commissioner/Auditor: **MAYOR SAM ADAMS**	CLERK USE: DATE FILED MAY 04 2010
COMMISSIONER APPROVAL	LaVonne Griffin-Valade Auditor of the City of Portland
Mayor—Finance and Administration - Adams	
Position 1/Utilities - Fritz Amanda Fritz	By: Susan Lawson
Position 2/Works - Fish	Deputy
Position 3/Affairs - Saltzman Dan Saltzman	**ACTION TAKEN:**
Position 4/Safety - Leonard	
BUREAU APPROVAL	
Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other: Amanda Fritz Prepared by: Tom Brougham Date Prepared: 5-4-10	
Financial Impact Statement Completed ☒ Amends Budget ☐ Not Required ☐	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes ☐ No ☒	
Council Meeting Date **May 5, 2010**	
City Attorney Approval	

AGENDA
TIME CERTAIN ☐ **Start time:** _____ **Total amount of time needed:** _____ **(for presentation, testimony and discussion)**
CONSENT ☒
REGULAR ☐ **Total amount of time needed:** _____ **(for presentation, testimony and discussion)**

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz Amanda Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman Dan Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	—	—
Adams Sam Adams CC	Adams	✓	