

ORDINANCE NO. 149208

An Ordinance granting a revocable permit to Burnside Projects, Inc. to use in connection with operating a daytime advocacy program for night shelter clients and Burnside residents, a portion of the sidewalk area adjacent to 314 N.W. 6th Avenue for the placement of a bench at a fee of \$10.00, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The Burnside Projects, Inc., 314 N.W. 6th Avenue, Portland, Oregon 97209 has requested permission to place a bench in the sidewalk adjacent to their office for the use of their patrons.
2. The Bureau of Police have no objection to the placement of the requested bench in the sidewalk area on the condition that they may revoke the permit at any time if as a result of the bench placement the sidewalk becomes continuously blocked to free pedestrian passage.
3. The granting of said permission, under certain conditions, will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

Any conflicting provisions of the Code of the City hereby are waived and a revocable permit is granted to Burnside Projects, Inc., permittee, to use and occupy a portion of the sidewalk fronting 314 N.W. 6th Avenue for the placement of a bench extending into the sidewalk not more than 24 inches from the property line, from Monday through Friday each week, between the hours of 9:00 AM and 6:00 PM, subject to the following conditions:

- (1) All activities in the sidewalk area shall be supervised by the permittee.
- (2) 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 by providing evidence of insurance protecting the City of Portland, its officers, agents, and employees as follows:

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Bodily injury \$100,000 for one claimant and \$300,000 for one occurrence, property damage \$50,000 for one claimant and \$300,000 for one occurrence, said insurance 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 cancelled, or for any other reason, becomes inoperative.

- (3) It is assumed in granting this permission that some disturbance to normal use of the sidewalk for pedestrian passage will be created. If, in the opinion of the Bureau of Police, this disturbance to the public is being created as a result of the use of the sidewalk, the Bureau of Police is hereby authorized to cause the permittee to discontinue use of the sidewalk area as authorized by this Ordinance until it feels the situation will be improved or the permittee is authorized to continue by the Council.
- (4) The permittee shall pay the permit fee of \$10.00 required by Section 17.24.020 of the City Code.
- (5) The permit hereby granted is personal to the permittee and may not be transferred, assigned, or otherwise conveyed.
- (6) This permit is revocable at any time at the pleasure of the Council and no expenditure of money or 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 revocation of this permit by the Council, the permittee shall immediately remove the bench, and cease operating the sidewalk use portion of the business.
- (7) The sidewalk and the bench placed thereon shall at all times be maintained in a clean and attractive condition. The sidewalk shall not be marked or marred in any manner, and at such times that the permittee is not utilizing the sidewalk as authorized herein, the bench shall be removed therefrom.

Section 2. This Ordinance will not become effective until the permittee has filed with the City Auditor both a document accepting the terms and conditions hereof, and the evidence of insurance, each of which has been approved by the City Attorney.

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Section 3. The Council declares that an emergency exists because delay in the enactment of this Ordinance will result in an unnecessary hardship of uncertainty on the part of the applicant as to the status of the requested permit to use a portion of the sidewalk area of N.W. 6th Avenue; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

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Passed by the Council,

FEB 28 1980

Commissioner Mike Lindberg
Harry Hendrickson:jmh
February 12, 1980

Attest:

Ernie M. Lundy
Mayor of the City of Portland

Serge Gutentag
Auditor of the City of Portland

Calendar No. 740

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Title

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THURSDAY

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie	1	
Jordan	1	
Lindberg	1	
Schwab	1	
McCready	1	

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

Filed FEB 22 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By: Gordon Crowell
Deputy

INTRODUCED BY
COMMISSIONER MIKE LINDBERG

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works <u>ML/mqz</u>

BUREAU APPROVAL
Bureau:
Street and Structural Engineering
Prepared By: Harry Hendrickson/jmh
Date: 2/12/80
Budget Impact Review:
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head:
<u>David J. Vargas</u>
David J. Vargas, Acting Chief

NOTED BY
City Attorney
City Auditor
City Engineer's Approved: <u>[Signature]</u>
John M. Lang, Acting City Engr.
By: <u>David J. Vargas</u>