

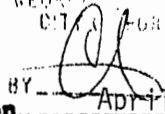
153106

RECEIVED

ACCEPTANCE

APR 23 8 47 AM 1982

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.



BY _____ AD 11 16 _____ 1982
Portland, Oregon, _____

GEORGE YERKOVICH
Auditor of the City of Portland.
Room 202, City Hall
Portland, Oregon 97204

Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 153106, passed by Council April 15, 1982, amending Ordinance No. 147424 by amendment to Section 1, Council Findings 1d and 1e to expand the portions of SW Ankeny Street and SW First Avenue closed to vehicle traffic; by amendment to Directive a(9) to prohibit all selling activities in the street areas designated for closure; by addition of Section 1, Council Directive a(15) to define Portland Saturday Market, Inc.'s responsibilities for clean up and maintenance of the market area; by addition of Section 1, Council Directive a(16) to require nonprofit groups to present proof of nonprofit status satisfactory to Portland Saturday Market, Inc.; and providing for acceptance,

and in consideration of the benefits to be received thereunder by me I hereby agree to abide by and perform each and all of the terms and provisions thereof applicable to me.

Very truly yours,

PORTLAND SATURDAY MARKET, INC.

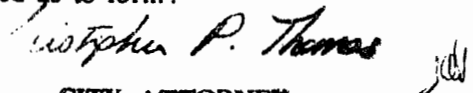
[CORPORATE SEAL]

* *Sharon Nielson, Sec. Mgr.*

108 W. Burnside, Portland, OR 97209

Address

APPROVED AS TO FORM
Approved as to form:



CITY ATTORNEY
City Attorney

*When an acceptance is required from a firm or corporation the Acceptance must be signed by an officer of the firm or corporation stating his or her official title, and corporations must affix the corporate seal.

ORDINANCE NO. 153106

An Ordinance amending Ordinance No. 147424 by amendment to Section 1, Council Findings 1d and 1e to expand the portions of S.W. Ankeny Street and S.W. First Avenue closed to vehicle traffic; by amendment to Directive a(9) to prohibit all selling activities in the street areas designated for closure; by addition of Section 1, Council Directive a(15) to define Portland Saturday Market, Inc.'s responsibilities for clean up and maintenance of the market area; by addition of Section 1, Council Directive a(16) to require nonprofit groups to present proof of nonprofit status satisfactory to Portland Saturday Market, Inc.; providing for acceptance of conditions; and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The Council, by Ordinance No. 147424, granted a revocable permit to Portland Saturday Market, Inc. to use certain portions of the street area under the west end of the Burnside Bridge and between the east property line of 1st Avenue and west property line of Front Avenue, and to close certain portions of S.W. Ankeny Street, S.W. 1st Avenue and N.W. 1st Avenue on Saturdays and Sundays for a period of five years from April 1, 1979 through March 31, 1984. A copy of Ordinance No. 147424 is attached as Exhibit A.
2. Ordinance No. 147424 allows S.W. Ankeny Street to be closed on market days from the west property line of S.W. Front Avenue to the east property line of S.W. 1st Avenue, and allows S.W. First Avenue to be closed on market days from the south property line of N.W. Couch Street to the northerly line of the Fire Bureau property. The purpose of these street closures is to provide safe pedestrian access routes to the market and areas in which market vendors may unload and load their wares. Use of these street closure areas for these purposes has greatly expanded and these areas are currently not large enough to serve either purpose adequately.
3. Extension of the Ankeny Street street closure area from the west property line of S.W. Front Avenue to the east property line of S.W. 2nd Avenue, and extension of the First Avenue street closure area from the south property line of N.W. Couch Street to the north property line of S.W. Ash Street will provide a sufficient area for pedestrian access to the market, for unloading and loading of vehicles and will provide necessary access for the Bureau of Fire to the Bureau of Fire property located at the northeast corner of S.W. 1st Avenue and S.W. Ash Street.
4. During 1981 an increasing number of individuals have begun to use the areas designated by Ordinance No. 147424 as the "street closure areas" for selling goods.

5. Ordinance No. 147424 prohibits the erection of booths, stands or platforms for selling activities in the street closure areas. However, the ordinance does not specifically address whether individuals who wish to sell goods by means other than from a booth, platform or stand may do so in the street closure areas. As a result, officials of Portland Saturday Market, Inc. and the City have been uncertain as to how to enforce the provisions of the revocable permit granted by Ordinance No. 147424.
6. The street closure areas are intended to provide an access route for emergency vehicles and vehicles owned by nearby businesses, and temporary parking for market vendors, as well as safe access routes to the market for pedestrians. Use of the street closure area for selling activities interferes with these other uses.
7. To ensure that emergency vehicles and vehicles owned by nearby businesses have unimpeded access to the street closure areas, it is necessary to prohibit all selling activities in these areas.
8. Portland Saturday Market, Inc. permits nonprofit groups to set up tables for displaying literature on the east sidewalk of First Avenue directly under the Burnside Bridge. To ensure that groups who use these tables are bona fide nonprofit organizations, it is appropriate to require these organizations to present some evidence of their nonprofit status which is satisfactory to Portland Saturday Market, Inc.
9. Ordinance No. 147424 does not clearly define the respective responsibilities of Portland Saturday Market, Inc. and the City for maintenance and clean up of areas outside of and adjacent to the market site. To ensure that litter, garbage and other debris generated by the market's operations and other persons is removed, it is necessary to describe the duties of Portland Saturday Market, Inc. and the City for clean up and maintenance of areas surrounding the market.
10. The amendment of Ordinance No. 147424 to clarify its terms will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. Ordinance No. 147424 is hereby amended by amendment to Section 1, Council Finding 1d to read as follows:
 - d. That the closure of S.W. Ankeny Street from the west property line of S.W. Front Avenue to the east property line of S.W. 2nd Avenue will be needed to ensure pedestrian safety for persons commuting between the park and the Market and to provide for a vehicle unloading and loading area for the Market operation from 6 a.m. to

9 p.m. on Saturdays and from 7 a.m. to 8 p.m. on Sundays.

- b. Ordinance No. 147424 is hereby amended by amendments to Section 1, Council Finding 1e to read as follows:
- e. That the closure of portions of S.W. 1st Avenue and N.W. 1st Avenue from the north property line of S.W. Ash Street to the south property line of N.W. Couch Street is needed to ensure pedestrian safety for persons working at or attending the Market on Saturdays and Sundays, for the purpose of providing an area for temporary parking of vehicles at certain locations (as designed by pavement marking) for the unloading and loading of the Market operations with the hours for closure being from 6 a.m. to 9 p.m. on Saturdays and from 7 a.m. to 8 p.m. on Sundays, and to provide access for the Bureau of Fire to the Bureau of Fire property located at the northeast corner of S.W. 1st Avenue and S.W. Ash Street.
- c. Ordinance No. 147424 is hereby amended by amendment to Section 1, Council Directive a(9) to read as follows:
- (9) That all booths, stands, platforms, etc., either profit or non-profit, will be located only in the street areas designated under this permit for use and not in the street areas designated under this permit for closure. No selling from a booth, stand, platform or otherwise, whether by a vendor associated with the market or by any other individual, shall be permitted in the street closure areas. The street closure areas shall remain open and unobstructed at all times to provide safe and unimpeded access for emergency vehicles, vehicles owned by nearby businesses, pedestrians, unloading and loading of vehicles by market vendors during specified hours agreed upon by the Bureau of Traffic Engineering, and for loading of customer vehicles by permit issued by the Bureau of Traffic Engineering through the Portland Saturday Market Administration.
- d. Ordinance No. 147424 is hereby amended by the addition of Section 1, Council Directive a(15) to read as follows:
- (15) That Portland Saturday Market, Inc. shall be responsible for maintenance and clean up of any paper, cardboard, wood or plastic containers, wrappers, or glass, or any litter in any form which is deposited by any person on the sidewalk or street within the right-of-way specified for closure or use.

ORDINANCE No.

- e. Ordinance No. 147424 is hereby amended by the addition of Section 1, Council Directive a(16) to read as follows:

(16) Any nonprofit organization wishing to establish a booth or table at the Market shall present proof of its nonprofit status satisfactory to Portland Saturday Market, Inc.

Section 2. This Ordinance will not become effective until the Grantee has filed with the City Auditor a document accepting the terms and conditions hereof which has been approved by the City Attorney

Section 3. The Council declares that an emergency exists because delay in the enactment of this Ordinance will result in unnecessary uncertainty on the part of Portland Saturday Market, Inc. as to the terms of its revocable permit for use of the street area and street closure; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, APR 15 1982

Attest:


Auditor of the City of Portland

Calendar No. 998

ORDINANCE No. 153106

Title

An Ordinance amending Ordinance No. 147424 by amendment to Section 1, Council Findings 1d and 1e to expand the portions of S.W. Ankeny Street and S.W. First Avenue closed to vehicle traffic; by amendment to Directive a(9) to prohibit all selling activities in the street areas designated for closure; by addition of Section 1, Council Directive a(15) to define Portland Saturday Market, Inc.'s responsibilities for clean up and maintenance of the market area; by addition of Section 1, Council Directive a(16) to require nonprofit groups to present proof of nonprofit status satisfactory to Portland Saturday Market, Inc.; providing for acceptance of conditions; and declaring an emergency.

THURSDAY

Filed APR 9 1982

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By: *Gordon C. Hall*
Deputy

| THE COMMISSIONERS VOTED AS FOLLOWS: | | |
|-------------------------------------|------|------|
| | Yeas | Nays |
| JORDAN | 1 | |
| LINDBERG | 1 | |
| SCHWAB | 1 | |
| STRACHAN | 1 | |
| IVANCIE | 1 | |

| FOUR-FIFTHS CALENDAR | |
|----------------------|--|
| JORDAN | |
| LINDBERG | |
| SCHWAB | |
| STRACHAN | |
| IVANCIE | |

| | |
|---|----------------------------------|
| INTRODUCED BY | |
| COMMISSIONER MIKE LINDBERG | |
| NOTED BY THE COMMISSIONER | |
| Affairs | |
| Finance and Administration | |
| Safety | |
| Utilities | |
| Works <i>TCL/MS</i> | |
| BUREAU APPROVAL | |
| Bureau: Street & Structural Engineering | |
| Prepared By: Kathryn S. Beaumont | Date: 4/2/82 |
| Budget Impact Review: | |
| <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required | |
| Bureau Head: <i>R.O. Schmidt reg</i> R. O. Schmidt, Chief | |
| CALENDAR | |
| Consent <input checked="" type="checkbox"/> | Regular <input type="checkbox"/> |
| NOTED BY | |
| City Attorney | |
| City Auditor | |
| City Engineer Approved: John M. Lang, P.E. | |
| By: <i>R.O. Schmidt reg</i> | |