

ORDINANCE No. 186361

*Grant revocable permit to Portland Saturday Market, Inc. to use parts of SW Ankeny and parts of SW 1st for market operations and to close parts of SW Ankeny, SW Naito Pkwy and NW Naito Pkwy during certain hours (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Portland Saturday Market, Inc. (Market), 108 West Burnside Street, Portland, Oregon 97209-4091, through Paul Verhoeven, has requested permission to use and close streets during certain hours and for certain purposes as follows:
 - a. Use of certain designated areas of SW Ankeny Street for placement of Market booths, stands, platforms, etc. and for vehicle unloading and loading from 12:01 a.m. on Saturdays to 8:00 p.m. on Sundays. This area more completely described as SW Ankeny between the east right of way line of SW 1st Avenue running northwesterly to southeasterly extended and west right of way line of SW Naito Parkway. SW Ankeny, between 1st and 2nd Avenues must be closed for traffic control purposes only.
 - b. Use of certain designated areas of SW 1st Avenue for placement of market booths, stands, platforms, etc. and for vehicle loading and unloading from 6:00 a.m. on Saturdays to 8:00 p.m. on Sundays. This area more completely described as SW 1st Avenue between the east right of way line of SW 1st Avenue adjacent to Ankeny Park, the south right of way line of SW Ankeny Street extended, and a line from the southwest corner of Block 10 Couch's Addition continuing south to an intersection with the south property line of Ankeny Park extended, excluding the Skidmore Fountain.
 - c. Use and closure of the westerly southbound travel lane and the easterly northbound travel lane of SW/NW Naito Parkway from NW Couch to SW Ash Street from 6:00 a.m. Saturday through 7:00 p.m. Sunday each weekend that Portland Saturday Market is operational.
 - d. The following events require lane closures on Naito Parkway. Loading and unloading, as referred to in Section 1.c. will not be allowed while these events are underway on Naito Parkway. The hours of use on Naito Parkway will be specific to each event. PBOT will provide traffic control plans to Saturday Market and the event organizer indicating which lanes will be closed for the event and what, if any lanes, can be utilized by Saturday Market during these events.

Shamrock Run, typically one Sunday in March

Race for the Roses, typically one Sunday in April

Bridge to Bridge, typically one Sunday in April

Doggie Dash, typically one Saturday in May

Rock N Roll Half Marathon, typically one Sunday in May (all lanes)

Cinco Run, typically one Sunday in May

Pride Parade, typically one Sunday in June

Be the One Run, typically one Sunday in July
 Red, White, and Blues Run, potentially July 4th or closest Sunday
 Bridge Pedal, typically one Sunday in August (also both southbound lanes)
 Pints to Pasta, typically one Sunday in September
 Race for the Cure, typically one Sunday in September
 Portland Marathon, typically one Sunday in October (also both southbound lanes)
 RLH ½ Marathon, typically one Sunday in October
 Jingle Bell Run, typically one Sunday in December

2. That the Portland Police Bureau, the Fire Bureau, the Bureau of Transportation have approved the proposed street closure and street use.
 - a. The applicant shall be responsible for submitting a traffic control plan for approval by the City annually as a condition of the permit and shall be responsible for implementing all traffic control requirements.
3. That the granting of the above request, under certain conditions, will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. That the Commissioner-in-Charge and the Auditor are authorized to grant a revocable permit to Portland Saturday Market, Inc., permittee, to close and use during the times prescribed in Section 1-1 above, those streets and avenues as shown on the plan marked "Exhibit A" attached to and by this reference made a part hereof, from January 1, 2014 through December 31, 2017, subject to the following conditions:
 - (1) This permit is revocable at any time by the City Council in the event the public's need requires it and is also contingent on there being a minimum disturbance to the public. If adequate sanitary facilities are not provided, cleanliness is not maintained, or for any reason the City Engineer, the City Traffic Engineer, or the Bureau of Police feels that it is not in the best interest of the public to continue, the permittee shall cease the operations authorized by this permit and may, if he wishes, appeal the City Engineer's, the City Traffic Engineer's, or the Police Bureau's decision to 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 such revocation.
 - (2) During the term of this permit, an abutting property owner may petition Council to modify or change revoke this permit if there is a change in ownership of the abutting property, a significant change in the use of the abutting property, or major renovation of the abutting property.
 - (3) No vehicles will be allowed within the street area of SW Ankeny Street at any time when closed for market use except emergency vehicles and vehicles unloading and loading for the Market operation.

- (4) The permittee shall, at their own expense, provide necessary signs, barricades and illumination, as required by the Bureau of Transportation System Management and further, the permittee shall reimburse the City for any additional cost of enforcing traffic and parking regulations resulting from activities of the Market operation.
- (5) That open pedestrian walkways be maintained at all times on SW Ankeny Street between SW 1st Avenue and SW Naito Parkway.
- (6) The permittee shall comply with all requirements of the Bureau of Transportation.
- (7) The Market 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 use and closure.
- (8) Portland City Code Section 14.A.50.010 is waived for the duration of the permit to allow alcohol in the closure area during market hours.
- (9) That permission is given the permittee to utilize on-street metered parking on Ankeny during Market operation. The permittee will pay the Bureau of Transportation a fee of \$32.64 per day of operation to off-set lost meter revenue. The City Engineer may revoke the Market's permission to use the metered parking spaces after due notice, if the permittee's continued use of metered parking is not in the best interest of the public.
- (10) That the Police Bureau, the Fire Bureau, the Parks Bureau, the Maintenance Bureau and the Bureau of Transportation will submit to the City Engineer, by January 31 of each year, a list of the additional costs beyond normal service to the Portland Saturday Market, Inc. that are incurred as a result of the Market operation. These costs shall be reimbursed to the City based on the actual costs to each Bureau providing services. These calendar year costs for City services must be paid no later than the day prior to the opening of the Saturday Market following the year the costs were incurred.
- (11) Portland Saturday Market, Inc. will pay the City a fee of \$136.00 per day of operation between January 1, 2014 and December 31, 2017. The fee shall be adjusted annually on the anniversary of the commencement date of this permit as long as this permit shall remain in effect. The fee shall be adjusted based on the Consumer Price Index (CPI) for all Urban Consumers (1982-84 equals 100), Portland, Oregon, for All Items, or a comparable Index published by the United States Bureau of Labor Statistics if such Consumer Price Index be discontinued. The redetermination of the fee for each period shall be based on the most recently available CPI, which precedes the adjustment date.
- (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

188881

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 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.

(13) 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 cost of defending any actions or suits, including any appeals which may result from the use of the street area under this permit.

(14) This permit 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.

Section 2. This Ordinance will not become effective until the permittee has filed a document with the City Auditor, which has been approved by the City Attorney, accepting the terms and conditions hereof. This Ordinance shall be automatically revoked without further consideration by the Council if the acceptance together with documents, insurance and fees required are not on file with the City Auditor within two 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,

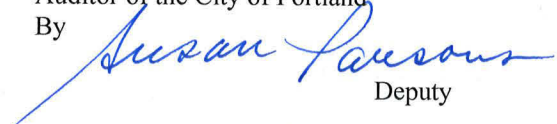
DEC 04 2013

Commissioner Steve Novick
Prepared by: Jennie Tower:slg
Date Prepared: November 8, 2013

LaVonne Griffin-Valade

Auditor of the City of Portland

By



Deputy

000481

1152

140

Agenda No. **ORDINANCE NO. 186361**
Title

*Grant revocable permit to Portland Saturday Market, Inc. to use parts of SW Ankeny and parts of SW 1st for market operations and to close parts of SW Ankeny, SW Naito Pkwy and NW Naito Pkwy during certain hours (Ordinance)

INTRODUCED BY Commissioner/Auditor: COMMISSIONER STEVE NOVICK	CLERK USE: DATE FILED <u>NOV 26 2013</u>
COMMISSIONER APPROVAL	LaVonne Griffin-Valade Auditor of the City of Portland By: <u><i>Susan Parsons</i></u> Deputy ACTION TAKEN:
Mayor—Finance and Administration - Hales	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety – Novick <i>[Signature]</i>	
BUREAU APPROVAL	
Bureau: Bureau of Transportation Group Manager: Greg Jones <i>gj</i> Development & Capital Program	
Prepared by: Jennie Tower:slg Date Prepared: <u>November 8, 2013</u> <i>[Signature]</i>	
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date DECEMBER 4, 2013	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____
Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input checked="" type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	_____	
4. Novick	✓	
Hales	✓	