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# 191195

Emergency Ordinance

## \*Grant revocable permit to Portland Saturday Market, Inc. to use portions of SW Ankeny St and SW 1st Ave for market operations and to close portions of SW Ankeny St, SW 1st Ave, and SW/NW Naito Pkwy during certain hours

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland (the "City") through the Bureau of Transportation ("PBOT") granted a revocable permit to Portland Saturday Market, Inc., 108 West Burnside Street, Portland, Oregon 97209-4091 ("PSM" or "Permittee"), in Ordinance No. 188836, passed by Portland City Council (the "Council") on February 28, 2018 for use and closure of portions of SW Ankeny Street, SW 1<sup>st</sup> Avenue, and SW/NW Naito Parkway for market operations (the "Market").
2. The permit authorized under Ordinance 188836 ran through December 31, 2020 and lapsed during the pandemic. It has become necessary to issue a new permit to extend the dates of operation for the Market as follows (this "Permit"):
  - A. Use of certain designated areas of SW Ankeny Street for traffic control purposes only from 12:01 a.m. on Saturdays to 8:00 p.m. on Sundays. This area more particularly described as that portion of SW Ankeny Street lying between the east right-of-way line of SW 2<sup>nd</sup> Avenue (being variable in width) and the west right-of-way line of SW 1<sup>st</sup> Avenue (being variable in width) labeled as **Parcel 1** and depicted on **Exhibit A** attached and incorporated by reference.
  - B. Use of certain designated areas of SW 1<sup>st</sup> Avenue and SW Ankeny Street for placement of the Market booths, stands, platforms, etc., and for vehicle loading and unloading from 12:01 a.m. on Saturdays to 8:00 p.m. on Sundays. The area is more particularly described as follows:

Commencing at the southwest corner of Block 34 in the duly recorded Plat of the City of Portland, recorded on March 6, 1869 in Plat Book 2, Page 2, Multnomah County Plat Records; thence

Introduced by

[Commissioner Mingus Mapps](#)

Bureau

[Transportation](#)

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Requested Agenda Type

Consent

Date and Time Information

Requested Council Date

March 8, 2023

northerly along the westerly line of said Block, a distance of 180.00 feet to the Point of Beginning; thence westerly and perpendicular to the westerly line of said Block, an approximate distance of 32.00 feet, said point being to the light rail tracks within SW 1<sup>st</sup> Avenue; thence northwesterly continuing along said light rail tracks for an approximate distance of 104.00 feet, said point being on the westerly extension of the north right-of-way line of SW Ankeny Street (being 30 feet wide); thence easterly along said right-of-way line to the west right-of-way line of SW Naito Parkway (being 100 feet wide); thence south along said Naito Parkway right-of-way line, a distance of 30.00 feet to the south right-of-way line of said SW Ankeny Street; thence westerly along said south right-of-way line, an approximate distance of 124.00 feet, said point being on the west line of said Block; thence southerly along said west line, an approximate distance of 88.00 feet to the Point of Beginning, excluding therefrom Skidmore Fountain within SW 1<sup>st</sup> Avenue and Labeled as **Parcel 2** on said **Exhibit A**.

- C. Use and closure of the most westerly southbound travel lane of SW/NW Naito Parkway lying between the south right-of-way line of NW Couch Street (being 60.00 feet wide) and the south line of vacated SW Vine Street, projecting easterly to the western curb of SW Naito Parkway, labeled as **Parcel 3** on said **Exhibit A**. Use and closure of Parcel 3 is limited to the loading and unloading of vehicles, and may only occur between the hours of 7:00 a.m. to 10:00 a.m. and 5:00 p.m. to 7:00 p.m. on Saturdays, and 7:00 a.m. to 10:00 a.m. and 5:00 p.m. to 7:00 p.m. on Sundays.
- D. Use and closure of the Better Naito Bikeway on SW/NW Naito Parkway lying between the south right-of-way line of NW Couch Street (being 60.00 feet wide) and a line drawn approximately 51.00 feet north of southwest corner of Block 83 of said City of Portland Plat, extended westerly, labeled as **Parcel 4** on said **Exhibit A**. Use and closure of Parcel 4 is limited to the loading and unloading of vehicles, and may only occur between the hours of 7:00 a.m. to 10:00 a.m. and 5:00 p.m. to 7:00 p.m. on Saturdays, and 7:00 a.m. to 10:00 a.m. and 5:00p.m. to 7:00 p.m. on Sundays. During those hours, all vehicles loading and unloading **must be parked within one (1) foot of the curb** to allow for two-way bicycle travel west of the vehicles within Better Naito. Vehicles in violation to the loading times and/or vehicle locations will be subject to citation by PBOT Parking Enforcement.
- E. The following events require lane closures on SW/NW Naito Parkway. Loading and unloading, as referred to in Section 1.c and 1.d. will not be allowed while these events are underway on SW/NW Naito Parkway. The hours of use on SW/NW Naito Parkway will be specific to each event. PBOT will provide traffic control plans to PSM and the event organizer indicating which lanes will be closed for the event and what, if any lanes, can be utilized by PSM during these events.

Shamrock Run, typically one Sunday in March

Bridge to Brews, typically one Sunday in April  
Doggie Dash, typically one Saturday in May  
Rose Festival Starlight Parade, typically one Saturday in May/June (all lanes on Naito)  
Rose Festival Waterfront CityFair, typically multiple weekends May to June (all lanes on Naito)  
Pride Parade, typically one Sunday in June or July  
Bridge Pedal, typically one Sunday in August (also both southbound lanes)  
Portland Marathon, typically one Sunday in October (also both southbound lanes)

3. That the Portland Police Bureau, the Fire Bureau, and PBOT have approved the proposed revisions to the street closure and street use.
  - A. The Permittee shall be responsible for submitting a traffic control plan for approval by the City annually as a condition of this Permit and shall be responsible for implementing all traffic control requirements.
4. That the granting of this Permit, under certain conditions, will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- A. That the Commissioner-in-Charge and the City Auditor are authorized to grant this Permit to PSM; Permittee, to close and use during the times prescribed in Section 1.2 above, those rights-of-way as shown on the plan of said **Exhibit A**, from March 4, 2023, through December 31, 2028, subject to the following conditions:
  1. This Permit is revocable at any time by the 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 PBOT Director, 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. Permittee may appeal the 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 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 the Council to modify or 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 Parcel 1 and/or Parcel 2 at any time when closed for the Market except emergency vehicles and vehicles unloading and loading for the Market.

4. The Permittee shall, at their own expense, provide necessary signs, barricades and illumination, as required by PBOT and further, the Permittee shall reimburse the City for any additional cost of enforcing traffic and parking regulations resulting from activities of the Market.
5. That open pedestrian walkways be maintained within Parcels 1 and 2 at all times. Permittee must always keep pedestrian crossings clear within Parcels 3 and 4.
6. The Permittee shall comply with all requirements of PBOT.
7. This Permittee 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 sidewalks or streets within the rights-of-way specified for use and closure.
8. Portland City Code Section 14.A.50.010 is waived for the duration of this Permit to allow alcohol in the closure area during Market hours.
9. That permission is hereby given to the Permittee to utilize on-street metered parking on SW Ankeny Street during the Market. The Permittee will pay PBOT a fee of \$18.00 per metered parking space per day of operation to off-set lost meter revenue. The PBOT Director may revoke Permittees 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. The fee will be adjusted annually on January 1<sup>st</sup> pursuant to the then current Transportation Fee Schedule.
10. That the Portland Police Bureau, Portland Fire & Rescue, Portland Parks & Recreation, and PBOT will submit to the PBOT Director, by January 31<sup>st</sup> of each year, a list of the additional costs beyond normal service to PSM that are incurred as a result of the Market. 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 Market following the year the costs were incurred.
11. PSM will pay the City a fee of \$200.00 per day of operation between March 4, 2023 and December 31, 2028. 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 by three percent (3%) per year.
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, its officers, agents and employees as additional insured with an endorsement to the policy. 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, 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 Permittee 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.

## Documents and Exhibits

 [Exhibit A](#) 147.42 KB

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council  
March 8, 2023

Auditor of the City of Portland  
Simone Rede

## Impact Statement

### Purpose of Proposed Legislation and Background Information

- This Ordinance will act as a revocable permit for use and closure of certain rights-of-way in favor of Portland Saturday Market, Inc. (the "Market").
- The previous permit has expired and this Ordinance will extend the use period, as well as update the fees and unloading/ loading zones to

accurately reflect the right-of-way being used by the Market.

- The City has a long history of granting the Market permit for this use of the right-of-way.

### Financial and Budgetary Impacts

- This Ordinance will result in the collection of fees.
- No adverse impacts to the budget should be expected.
- This Ordinance does not affect staffing levels.

### Community Impacts and Community Involvement

- The Portland Saturday Market is a community event with wide support from both residents and tourists. It has been operating for 50 years with support from the City.
- Temporary street closures include some level of inconvenience to the traveling public; however, these same PSM closures have regularly occurred for years. There do not appear to be any other impacts to the community from permitting the right-of-way for this event. No opposition to this Ordinance is expected.
- There is no future public involvement anticipated.

### 100% Renewable Goal

Not applicable.

### Agenda Items

#### 194 Consent Agenda in [March 8, 2023 Council Agenda](#)

Passed

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea