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# 191464

Emergency Ordinance

## \*Amend Sidewalk Cafes Code, Underground Wiring Districts Code, administrative rules, and associated fee schedule to reflect changes in the Outdoor Dining program for clarity, consistency, and ease of administration (amend Code Chapter 17.25, Code Section 17.60.110, TRN-3.450, and TRN-10.04)

Passed

Amended by Council

The City of Portland ordains:

Section 1. The Council finds:

1. That on August 23, 2023, City Council accepted the Outdoor Dining Program Design Guidelines Report (694-2023) detailing the proposed design guidelines and programmatic elements of the permanent Outdoor Dining program.
2. That for the Outdoor Dining program to be implemented, amendments need to be made to existing code and administrative rules.
3. That the Outdoor Dining program's code and rule reflecting the Design Guidelines will replace the existing sidewalk café code and rule.
4. That current Underground Wiring District code prohibits any wires on or over the surface of any street in an underground wiring district, by means of which electrical current is used. The Outdoor Dining Program Design Guidelines provide a safe means for businesses to supply electricity to Outdoor Dining installations for such uses as decorative lighting and electric heaters; therefore, an exemption to the code is needed.
5. That the Outdoor Dining program provides new permitting options for program participants which will require changes to the program's fee schedule.

NOW, THEREFORE, the Council directs:

- A. Amend Code Chapter 17.25 as shown in Exhibit A.
- B. Amend Code Section 17.60.110 as shown in Exhibit B.

### Introduced by

[Commissioner Mingus Mapps](#)

### Bureau

[Transportation](#)

### Contact

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Permitting Division Manager

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### Requested Agenda Type

Time Certain

### Date and Time Information

#### Requested Council Date

September 27, 2023

#### Requested Start Time

10:15 am

#### Time Requested

30 minutes






Changes City Code

Portland Policy Document

- C. Amend TRN-3.450, Exhibit C - Fees, Rates and Charges for Transportation Development & Street Systems Management Services, as shown in Exhibit C.
- D. Amend TRN-10.04 as shown in Exhibit D.
- E. The Director of Transportation is hereby authorized to create, adopt, and modify accompanying administrative rules to govern this process.
- F. This Ordinance is binding City Policy.

Section 2. The Council declares that an emergency exists as the application window for the 2024 Outdoor Dining season needs to open by mid-October of 2023 in order to have permits issued in a timely manner; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

## Documents and Exhibits

 <a href="https://www.portland.gov/sites/default/files/council-documents/2023/807-proposed-amended-exhibit-a.pdf">Exhibit A - As Amended</a>	132.15 KB
<a href="https://www.portland.gov/sites/default/files/council-documents/2023/807-proposed-amended-exhibit-a.pdf">https://www.portland.gov/sites/default/files/council-documents/2023/807-proposed-amended-exhibit-a.pdf</a>	
 <a href="https://www.portland.gov/sites/default/files/council-documents/2023/exhibit-b-pcc-17.60.110-underground-wiring-district-exemption-pdf.pdf">Exhibit B</a> ( <a href="https://www.portland.gov/sites/default/files/council-documents/2023/exhibit-b-pcc-17.60.110-underground-wiring-district-exemption-pdf.pdf">https://www.portland.gov/sites/default/files/council-documents/2023/exhibit-b-pcc-17.60.110-underground-wiring-district-exemption-pdf.pdf</a> )	217.82 KB
 <a href="https://www.portland.gov/sites/default/files/council-documents/2023/807-proposed-amended-exhibit-c.pdf">Exhibit C - As Amended</a>	182.32 KB
<a href="https://www.portland.gov/sites/default/files/council-documents/2023/807-proposed-amended-exhibit-c.pdf">https://www.portland.gov/sites/default/files/council-documents/2023/807-proposed-amended-exhibit-c.pdf</a>	
 <a href="https://www.portland.gov/sites/default/files/council-documents/2023/exhibit-d-trn-10.04-outdoor-dining-permit-005.docx">Exhibit D</a> ( <a href="https://www.portland.gov/sites/default/files/council-documents/2023/exhibit-d-trn-10.04-outdoor-dining-permit-005.docx">https://www.portland.gov/sites/default/files/council-documents/2023/exhibit-d-trn-10.04-outdoor-dining-permit-005.docx</a> )	19.48 KB
 <a href="https://www.portland.gov/sites/default/files/council-documents/2023/exhibit-1-to-trn-10.04-outdoor-dining-permit.pdf">Exhibit D (Exhibit 1)</a>	4.14 MB
<a href="https://www.portland.gov/sites/default/files/council-documents/2023/exhibit-1-to-trn-10.04-outdoor-dining-permit.pdf">https://www.portland.gov/sites/default/files/council-documents/2023/exhibit-1-to-trn-10.04-outdoor-dining-permit.pdf</a>	

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 as amended by Council  
September 27, 2023

Auditor of the City of Portland  
Simone Rede

## Impact Statement

### Purpose of Proposed Legislation and Background Information

The purpose of this ordinance is to provide needed changes to existing codes and rules applicable to PBOT's Outdoor Dining program following Council's acceptance of the programs Design Guidelines on August 23, 2023 (694-2023).

For the program to be implemented, amendments need to be made to the following codes and administrative rules:

- Chapter 17.25 Sidewalk Cafes
- Section 17.60.110 Underground Wiring Districts - Exemptions
- TRN-3.450 Transportation Fee Schedule – Exhibit C
- TRN-10.04 Sidewalk Café Permit

### Financial and Budgetary Impacts

- Proposed fee updates in TRN-3.450 are anticipated to ensure that the program will be self-supporting.
- The program is currently funded by American Rescue Plan Act ("ARPA") funding through the end of 2024.
- Permit fees will be partially subsidized with budgeted ARPA funds in the 2024 permit cycle.

### Community Impacts and Community Involvement

- This program will support business and community activity along Portland's commercial corridors as it relates to restaurant outdoor seating.
- The community has been engaged from January through May 2023 via a series of community surveys, business interviews, communications to past and current permit holders, meetings with restaurant leaders, webinars, and presentations to business organizations.

### 100% Renewable Goal

- The Outdoor Dining Program contributes to vibrant commercial areas, increasing the walkability of neighborhoods and decreasing the need for auto-oriented transportation.

### Agenda Items

807 Time Certain in [September 27, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/9/27)  
(<https://www.portland.gov/council/agenda/2023/9/27>)

Passed As Amended

Motion to replace Exhibits A and C with updated versions: Moved by Mapps and seconded by Gonzalez. (Y-4; Ryan absent)

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea