

## Café Seating Packet Contents

### For New Participants & Renewals

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1. Café Seating Permit Requirements
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#### **ADDITIONAL FORMS**

- A. Café Seating Oregon Administrative Rules
- B. Declination for Café Seating Permit

## Café Seating Permit Requirements

Thank you for your interest in having outdoor café seating. This packet will provide you with the necessary information and application that need to be completed to use the Public Space. Before an Outdoor Café Seating permit can be approved, the requested documents must be submitted and approved by management (*pages 3 through 7*).

All Outdoor Café Seating applicants need to provide the following:

- An Application for a Café Seating Permit completed and signed by the responsible party
- A completed Supplement I form
- Signed Insurance and Hold Harmless
- Fee Report and payment of Application Fee (*please see fees at the bottom of this page*)
- Signed Conditions of Permit
- Upon request, must provide a valid copy of all applicable health permits/licenses (Food Full Service License) required by federal, state or local authorities. For more information, contact Lane County Environmental Health at 151 W. 7th Ave., Suite 430, Eugene, OR 97401. Phone: 541-682-4051
- Certificate of Insurance (a public liability & property damage insurance policy) listing the **Saturday Market, Inc.** and the **City of Eugene** as additional insureds
- Provide a scaled drawing or rendering which shows the layout of the public space you plan to use (*if new enrollment or changes to existing café have been made*).

**First Time Application Fee... .. \$100.00**  
**Annual Renewal Fee... ..\$25.00**

**Monthly fees are assessed as follows:**

**\$25.00 per month for two tables**  
**\$50.00 per month for three to five tables**  
**\$10.00 per month for each additional table**

# Application for Café Seating Permit

*(Please type or print)*

**Date:**

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Name of Contact person:

Name of Person to  
appear on the permit: \_\_\_\_\_  
*(owner or manager)* \_\_\_\_\_

Mailing Address (if  
different from above): \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\*\*\*\*\*

**For Office Use Only**

Approved Day \_\_\_\_ Month \_\_\_\_ Year \_\_\_\_

Denied Day \_\_\_\_ Month \_\_\_\_ Year \_\_\_\_

Reason for denial: \_\_\_\_\_

Insurance Status:  Current  Not current Permit #: \_

\*\*\*\*\*

## Supplement I

*A drawing showing the detail of your requested site is required as part of the application. The checklist below will assist you in preparing the drawing. (Re-enrollment without changes does NOT require the Café Seating Site Plan section to be completed, but please complete the remaining checklists on this form.)*

Information required on the **Café Seating Site Plan**:

- Arrow indicating north
- Scale (must be engineering or architectural scale)
- Names of adjacent and nearby streets
- Your operating area: Include a drawing of the restaurant exterior showing all entrances, exits, tables, chairs, service operations, street furniture (posts, poles, fire hydrants), and any other sidewalk obstructions (bus stops and zones, street trees, newspaper racks, etc.) within 50 feet of the proposed license (permit) area.

Use the following as a checklist to determine if your **Café Seating** meets **health and safety standards**:

- No handicapped parking spaces and access ramps within 10 feet
- No driveways within 10 feet
- No crosswalks within 10 feet
- No entrance or driveway of a health care facility with an emergency or urgent care facility within 50 feet
- No schools within 50 feet
- No police stations within 50 feet
- No fire stations within 50 feet
- No designated bus stops within 12 feet
- Not within a designated Lane Transit District Transfer Station

You must answer “No” to questions 1 & 2:

1. Do you have **less than** 5 feet of unobstructed passageway on the sidewalk?  Yes  No
2. Are you on a sidewalk adjacent to a contra-flow bicycle lane (where bicycle traffic flows opposite to car traffic)?  Yes  No
3. Is your site within 10 feet of any travel lane (instead of parking)? (If so, you must get approval.)  Yes  No

## Insurance and Hold Harmless

Name of Business/Organization: \_\_

Type of Business/Organization: \_\_

“I, the undersigned, lawfully operate a restaurant adjacent to the right of way for which I am seeking a permit.”

“In addition, I certify that I am an authorized representative of the above organization, and that the information provided is true to the best of my knowledge. I have been advised of the applicable Rules and Regulations as outlined in Administrative Order No. 53-98-05-F of the Eugene Code. I and/or the organization I represent agree to be bound by all applicable regulations and policies. I and/or the organization I represent understand that any violation of any of these agreements will result in forfeiture of deposit, and could jeopardize future use in Downtown Eugene. I and/or the organization I represent agree to indemnify, defend, and hold harmless the City of Eugene, its officers, agents and employees; Saturday Market, Inc., its officers, agents and employees from and against any and all claims, damages, losses and expenses, including legal fees arising out of or in any way related to my business activities and/or those of the organization I represent during the term of the Cafe Seating Permit.”

Signature: \_\_\_\_\_

Print

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Applicant shall maintain during the term of this agreement a Comprehensive General Liability Insurance Policy in an amount equivalent to \$500,000 Combined Single Limit for Bodily Injury and Property Damage. A *Certificate of Insurance* listing the City of Eugene and the Saturday Market, Inc., as additional insureds shall be delivered to the Saturday Market office. The adequacy of all insurance required by these provisions shall be subject to approval by the City’s Risk Manager. Failure to maintain any insurance coverage required by this agreement shall be cause for immediate termination of this agreement by the Saturday Market, Inc. under contract with the City of Eugene.

Signature: \_\_\_\_\_

Print

Name: \_\_\_\_\_

Date: \_\_\_\_\_

# Café Seating Fee Report

Café Name: \_\_\_\_\_

Today's Date: Month \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_

Reporting Month(s): \_\_\_\_\_

# of tables each month: Mar \_\_\_\_\_ Apr \_\_\_\_\_ May \_\_\_\_\_ Jun \_\_\_\_\_ Jul \_\_\_\_\_ Aug \_\_\_\_\_  
Sep \_\_\_\_\_ Oct \_\_\_\_\_ Nov \_\_\_\_\_ Dec \_\_\_\_\_ Jan 2020 \_\_\_\_\_ Feb 2020 \_\_\_\_\_

**Reporting Period is March 1, 2019 – February 28, 2020**

*\*Please note monthly fee structure: \$25.00 per month for two tables  
\$50.00 per month for three to five tables  
\$10.00 per month for each additional table*

**Fees: Renewal & new enrollment fees are due by February 28<sup>th</sup>, 2018.**

Please check one:  Renewal Fee \$25.00  
 New Enrollment \$100.00  
Enter amount: \$ \_\_\_\_\_

Monthly Seating Payment Total: \$ \_\_\_\_\_

*(See Fee Structure Above \*)*

Late Charge of \$25.00: \$ \_\_\_\_\_

**Total Amount Due: \$ \_\_\_\_\_**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

<i>For Administrative Use</i>
Date Received: _____
Amount Paid: _____
Payment Form: _____
Receipt #: _____

**Please make check payable to SATURDAY MARKET.** Remit Payment to: SATURDAY MARKET, Attn: Cafe Seating 30 E. Broadway, Suite 160/124, Eugene, OR 97401. **\*You are responsible for making your monthly payments on time. You will NOT receive a monthly bill from our office.** There is a \$25.00 late fee for accounts paid after the 10<sup>th</sup>. Late fees will be applied for each month that the fees are past due.

## Café Seating Conditions of Permit

- ❖ Have the Permit ready for presentation upon demand while engaged in an authorized activity.
- ❖ Maintain the free flow of pedestrians (five feet of unobstructed passageway) and access into and from private premises. Also, maintain quick access for emergency vehicles.
- ❖ Minimize hazards to the public and minimize damage to public and private property.
- ❖ Permittee is responsible for repair of any damage to the Public Space as a result of permittee's acts or omissions.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print  
Name: \_\_\_\_\_



**Administrative Order No. 53-98-05-F of the City Manager Pro Tem of the City of Eugene**

**Outdoor Cafes.**

- (a) The city manager or the manager's designee may issue a permit for an outdoor cafe allowing the service of food or beverages within a public right of way provided the following conditions are met:
  - 1. The permit applicant assumes all risks associated with the use of the right of way;
  - 2. The permit applicant lawfully operates a restaurant adjacent to the right of way for which the applicant seeks a permit;
  - 3. The owner of the restaurant property consents to issuance of the permit;
  - 4. The permit applicant demonstrates that the use of the right of way will not interfere with existing utilities, pedestrian use of the right of way nor pose a hazard to vehicular traffic;
  - 5. The permit applicant obtains all other necessary state and local permits;
  - 6. If the applicant seeks to use the right of way in front of properties contiguous to the restaurant, the applicant demonstrates that a restaurant is a permitted use for the contiguous property and the owner of the contiguous property consents to the issuance of the permit;
  - 7. The permit applicant demonstrates that the use of the right of way will comply with all ordinances and codes of the city including but not limited to the structural safety, sanitation and fire codes;
  - 8. The permit applicant demonstrates that seating in the right of way will be provided for no more than 20 persons or, if seating is provided for a greater number that off-street parking as required by chapter 9 of this code is provided in a ratio of no less than one parking space for each 4 seats over and above 20; This subsection does not apply to outdoor café permits in the downtown activity zone, as that term is defined in section 4.871 of this code;
  - 9. The permit applicant demonstrates that the proposed use of the right of way is not inconsistent with the use for which the right of way was dedicated to the city.
- (b) No outdoor cafe permit shall be issued for premises located within the downtown activity zone as defined by section 4.871 of this code except by an activity permit issued pursuant to section 3.341 of this code.
- (c) A permit issued pursuant to section 3.341 of this code may be temporarily suspended if the public interest requires use of the right of way for a public event, construction, repair, or any other purpose.

**Private Commerce on Public Property - Issuance of License.**

- (1) In determining whether to grant or deny a license, the city shall consider:
  - (a) The need to maintain the free flow of pedestrian and vehicular traffic on streets, sidewalks and areas open to the public;
  - (b) Any danger to public health, safety or welfare or to public or private property that may result from approval of an application;
  - (c) The need to preserve and enhance the aesthetic qualities of the license operating area; and

- (d) The need to prevent interference with the peaceful enjoyment of the areas near places where commerce is occurring.
- (2) The city may issue a license upon finding that the applicant has met all requirements of this code and rules adopted under this chapter, and that the criteria of section 3.341(1) are satisfied.
- (3) Upon sale, transfer or termination of business, the vending location shall be allocated in accordance with rules adopted under this chapter.

*(Section 3.341, formerly Section 3.342, added by Ordinance No. 19331, enacted June 12, 1985; and amended and renumbered by Ordinance No. 19914, enacted April 28, 1993, effective May 28, 1993.)*

**Private Commerce on Public Property - Restrictions.** No licensee under section 3.341 of this code shall:

- (a) Operate in a manner which creates a danger to persons or property;
- (b) Use private property without the written permission of the owner of the property;
- (c) Use private property in violation of any land use provisions of chapter 9 of this code;
- (d) Deliberately hinder or impede pedestrian traffic;
- (e) Obstruct the clear vision of the driver of any vehicle approaching or entering an intersection;  
or
- (f) Operate in a manner which will hinder emergency or utility services.

*(Section 3.342 added by Ordinance No. 19914, enacted April 28 1993, effective May 28, 1993.)*

**Private Commerce on Public Property - License Revocation.** In addition to revocation of a license issued pursuant to section 3.341 for violation of any provisions of sections 3.336 to 3.344 of this code, or any rule issued thereunder, a license may be revoked if the city manager finds that:

- (a) The licensee has failed to occupy the vending location for more than 15 consecutive days;
- (b) The need to maintain the free flow of pedestrian and vehicular traffic on streets, sidewalks and areas open to the public necessitates revocation of the license; or
- (c) A danger to public health, safety or welfare or to public or private property may result from continuation of the licensed commerce at that location.

*(Section 3.343 added by Ordinance No. 19914, enacted April 28, 1993, effective May 28, 1993.)*

**(Section 3.344 added by Ordinance No. 19914, enacted April 28, 1993, effective May 28, 1993; amended by Ordinance No. 19969, enacted July 21, 1994; Ordinance No. 20058, enacted September 9, 1996, effective October 9, 1996; Ordinance No. 20102, enacted December 8, 1997, effective January 7, 1998; Ordinance No. 20303, enacted November 24, 2003, effective December 24, 2003; and Ordinance No. 20322, enacted May 25, 2004, effective June 24, 2004.)**

## Declination of Café Seating Permit

\* Only use this form if you are declining participation in the Café Seating program (i.e. you're not providing café seating on public property between March 1<sup>st</sup>, 2018 and February 28<sup>th</sup>, 2019).

Date: \_\_\_\_\_

Owner's/Manager's

Name: \_\_\_\_\_

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Mailing Address (if different from above): \_\_\_\_\_

Business Phone: \_\_\_\_\_

"I certify that I am an authorized representative of the above organization, and that the information provided is true to the best of my knowledge. I have been advised of the applicable Rules and Regulations as outlined in Administrative Order No. 53-95-06-F of the Eugene Code. I, and/or the organization I represent, decline to participate in the Outdoor Café Seating Program. Failure to obtain a permit for operating an outdoor café in the public right-of-way could result in a civil penalty, a fine that could go as high as \$500 per day.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_