

Sidewalk Commerce Packet

*You may complete this packet electronically
or by hand.*

FORMS

1. Sidewalk Commerce Application
2. Sidewalk Commerce Restrictions
3. Insurance & Hold Harmless Agreement
4. Conditions of Permit
5. Oregon Administrative Rules

Sidewalk Commerce Application

Business Name: _____

Name of Contact _____

Person: _____

Business Address: _____

Mailing Address (if different from above): _____

Phone: _____

Fax: _____

Email: _____

- Proposed Site:** I have submitted a scaled drawing /map of the site proposal
(You must have a drawing on file) I have made no changes and will use the drawing/map on file

Cart/Table/Other: _____

(Please describe) _____

Comments: _____

Please return to: Attn. Permit Program
30 E. Broadway, Suite 124
Eugene, OR 97401

Sidewalk Commerce Restrictions

Please click or hand check all boxes that apply

- No driveways within 10 feet
- No handicapped parking spaces and access ramps within 10 feet
- No crosswalks within 10 feet
- No health care facilities 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
- Not on a sidewalk adjacent to a contra-flow bicycle lane
- Not within 10 feet of any travel lane unless granted approval
 - I request approval for a Sidewalk Commerce display closer than 10 feet to a travel lane. Please see attached site drawing/map.

Please return to: Attn. Permit Program
 30 E. Broadway, Suite 124
 Eugene, OR 97401

Insurance and Hold Harmless

Name of Business/Organization: _____

Type of Business/Organization: _____

“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 permit.”

By typing your legal name and email address in the signature line below you are signing this form electronically and thus you are verifying and authenticating that you agree to abide by the terms set out in the agreement.

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.

By typing your legal name and email address in the signature line below you are signing this form electronically and thus you are verifying and authenticating that you agree to abide by the terms set out in the agreement.

Signature: _____

Print Name: _____ Date: _____

Please return to: Attn. Permit Program
30 E. Broadway, Suite 124
Eugene, OR 97401

Sidewalk Commerce Conditions of Permit

- ❖ Have the Permit ready for presentation upon demand while engaged in an authorized activity.
- ❖ Maintain the free flow of pedestrians and access into and from private premises. **You must maintain five feet of unobstructed passageway on the sidewalk.**
- ❖ 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.
- ❖ You must keep on record with us a site drawing and a list and/or photos of what is to be sold.
- ❖ Items are allowed to be left directly outside your establishment during your store's operating hours and must be removed at, or prior to closing time.

By typing your legal name and email address in the signature line below you are signing this form electronically and thus you are verifying and authenticating that you agree to abide by the terms set out in the Conditions of Permit.

Signature: _____

Print

Name: _____

Date: _____

Please return to: Attn. Permit Program
30 E. Broadway, Suite 160
Eugene, OR 97401

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.

3.341 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

Administrative Order No. 53-98-05-F continued

- (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.)

3.342 **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.)

3.343 **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.)