

CITY OF ESTACADA

SIDEWALK RESTAURANT SERVICE APPLICATION

The area to be considered for sidewalk restaurant service must have sidewalks which are ten (10) feet in width or greater. Sidewalk restaurant service will be located such that there is a clear 4 ft. wide passageway compliant with ADA standards.

Application Date: _____ Permit terminates December 31st of year issued.

Business Name: _____ Phone #: _____

Business Physical Address: _____

Mailing Address: _____ City _____ State/Zip _____

Type of Business: _____

Property Owner: _____

If not applicant, a letter signed by the property owner, consenting to the providing of sidewalk restaurant service adjacent to the property which the restaurant is located must be attached.

Applicant must attach:

1. Drawing

A drawing showing the width of the applicant's cafe or restaurant facing the sidewalk area requested to be used, location of doorways, width of sidewalk (distance from curb to building face), location of trees, parking meters, bus shelters, sidewalk benches, tree or trash receptacles, or any other semi-permanent sidewalk obstruction;

2. Liability and insurance.

Public liability, food products liability, and property damages insurance as will protect permittee and the city, its officers, employees and agents, from all claims for damage to property of bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide liability coverage of not less than five hundred thousand dollars (\$500,000.00) Such insurance shall be without prejudice to coverage otherwise existing therein, and shall name as additional insured the city, its officers and employees, the property owner, and shall further provide that the policy shall not terminate or be cancelled without thirty (30) days' written notice to the city manager.

I hereby certify that the information contained herein is true to the best of my knowledge. I agree to abide by the ordinances of the City and to correct any hazards or violations as they may pertain to the above business. Issuance of this license does not guarantee that the use conforms to the City of Estacada's land use regulations. Permittee shall hold harmless the city, its officers, employees and agents, and shall indemnify the city, its officers, employees and agents for any claims for damages to property or injury to persons which may be occasioned by or arise out of any activity carried on under the terms of the permit.

Print Applicants Name _____

Applicants Signature _____ Date _____

OFFICE USE ONLY

Approved _____ Denied _____ By _____ Date _____

City Manager or designee

Chapter 5.20 SIDEWALK RESTAURANT SERVICE

Sections:

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5.20.010 Permit required.

No person shall conduct a business as defined in Section 5.20.020 without first obtaining a permit from the city. It is unlawful for any person to provide sidewalk restaurant service on any sidewalk within the city except as provided by this code.

(Prior code § 8.570)

5.20.020 Definitions.

As used in this chapter:

"Commercial zone" means property which is zoned C1, C2, or D1 pursuant to this code, or any other zone which may be created as a successor zone to such existing commercial zones.

"Sidewalk" means that portion of the street, intended for use by pedestrians, which is between the curb lines or the lateral lines of a roadway and adjacent properties.

"Sidewalk restaurant service" means serving food or beverages from a cafe or restaurant located in a building on property directly adjacent to the sidewalk, to patrons seated at tables located within the sidewalk area directly adjacent to the cafe or restaurant.

(Prior code § 8.572)

(Ord. No. 2014-005, § 1, 8-11-2014)

5.20.030 Permit fee.

The fee for obtaining a sidewalk restaurant service permit, if any, shall be set by the council by resolution.

(Prior code § 8.574)

5.20.040 Permit application.

Application for a sidewalk restaurant service permit shall be made on a form to be provided by the city. Such application shall include, but not be limited to, the following information:

- A. Name and address of the applicant;
- B. The expiration date of applicant's business license;
- C. A drawing showing the width of the applicant's cafe or restaurant facing the sidewalk area requested to be used, location of doorways, width of sidewalk (distance from curb to building face), location of trees, parking meters, bus shelters, sidewalk benches, tree or trash receptacles, or any other semi-permanent sidewalk obstruction;
- D. A drawing showing the area requested for use as a sidewalk cafe or restaurant with the table locations together with the area which will be occupied by the tables and accompanying chairs, and the location and size of any features used to delineate the area. This may be done in the same drawing required under subsection C of this section;
- E. If the applicant is not the property owner, a letter signed by the property owner, consenting to the providing of sidewalk restaurant service adjacent to the property on which the restaurant is located.

(Prior code § 8.576)

5.20.050 Location, rules and review.

- A. The area to be considered for sidewalk restaurant service must have sidewalks which are ten (10) feet in width or greater.
- B. Sidewalk restaurant service will be located such that there is a clear 4 ft. wide passageway compliant with ADA standards.

(Prior code § 8.578)

5.20.060 Liability and insurance.

- A. Before a sidewalk restaurant service permit shall be issued, the permittee shall sign a statement that the permittee shall hold harmless the city, its officers, employees and agents, and shall indemnify the city, its officers, employees and agents for any claims for damages to property or injury to persons which may be occasioned by or arise out of any activity carried on under the terms of the permit.
- B. Before a sidewalk restaurant service permit shall be issued, the applicant shall furnish such public liability, food products liability, and property damages insurance as will protect permittee and the city, its officers, employees and agents, from all claims for damage to property of bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide liability coverage of not less than five hundred thousand dollars (\$500,000.00) Such insurance shall be without prejudice to coverage otherwise existing therein, and shall name as additional insureds the city, its officers and employees, the property owner, and shall further provide that the policy shall not terminate or be cancelled without thirty (30) days' written notice to the city manager.

(Prior code § 8.580)

5.20.070 Form and conditions of permit.

The permit issued shall be in a form deemed suitable by the city manager. In addition to naming the permittee and other information deemed appropriate by the city manager, the permit shall contain the following conditions:

- A. Each permit issued shall terminate December 31st of the year in which it is issued.
- B. The permit issued shall be personal to the permittee only and is not transferable in any manner.
- C. The permit may be temporarily suspended by the city manager when the sidewalk restaurant service could interfere with public works operations, community events, parades, or other events.
- D. The permit shall be specifically limited to the area shown on the permittee's application.
- E. The permittee shall ensure that its use of the sidewalk in no way interferes with sidewalk users or limits their free and unobstructed passage.
- F. The sidewalk and all things placed thereon shall at all times be maintained in a clean and attractive condition; and at such times that the permittee is not utilizing the sidewalk as authorized, that all tables, chairs and other things shall be removed therefrom. If throw-away utensils, cups or plates are used, or if other trash will be generated by the use, trash containers shall be provided on site for use by the cafe or restaurant patrons.

G. The permittee shall notify the city manager when sidewalk restaurant service begins.

(Prior code § 8.582)

5.20.080 Denial, revocation or suspension of permit.

A. The city manager may deny, revoke or suspend the permit for any sidewalk restaurant service when:

1. The permittee or operator of the facility has violated the provisions of this code;
2. Any necessary health permit has been suspended, revoked or cancelled;
3. The permittee does not have insurance as is required in this code.

B. Upon denial or revocation, the city manager shall give notice of such action to the applicant or permittee in writing stating the action which has been taken and the reason therefor. If the action of the city manager is based upon subsection (A)(2) or (3) of this section, the action shall be effective upon giving such notice to the permittee. If otherwise, such notice shall become effective within ten (10) days unless appealed to the city council by filing a written notice of appeal with the city manager. Any revocation effective immediately may also be appealed to the council by such filing within ten (10) days.

(Prior code § 8.584)

5.20.090 Appeal.

The city manager shall place the appeal on the council calendar at the first convenient opportunity, and shall notify the appellant of the date the matter will be considered. At the hearing upon appeal, the council shall consider the grounds for the denial or revocation and afford the appellant an opportunity to present evidence on his own behalf. The council shall hear and determine the appeal, and the decision of the council shall be final and effective immediately.