

City of Mt. Angel

P.O. Box 960 / 5 N. Garfield Street, Mt. Angel, OR 97362
Phone (503) 845-9291 Fax (503) 845-6261

Sidewalk Café Permit

Applicant Information – Name and Contact Information for Applicant/Responsible Party

Applicant Name (person): _____

Phone #: _____ Email Address: _____

Mailing Address: _____ City/State: _____ Zip Code: _____

Business Information – Name and Location of Business That Will Use Permit

Business Name: _____

Business Phone #: _____

Business Address: _____ City/State: _____ Zip Code: _____

Name of street or streets on which sidewalk café will be located:

Street (s): _____

Responsible Party and Hold Harmless Agreement

I understand that I must abide by this agreement and failure to do so may result in the revocation of my Sidewalk Café Permit. I understand that I am ultimately responsible for all violations of any City, County and State code or regulation that result from the operation of the Sidewalk Café.

I will ensure that an employee of the business using my Sidewalk Café is, at any time that my Sidewalk Café is operating, overseeing the operation of the Sidewalk Café and taking immediately action to ensure that any violations are corrected. I will familiarize any employee who is overseeing business operations or the operation of the Sidewalk Café with any applicable code or regulation and inform them of their responsibilities and personal liability.

If ownership of the property to which my Sidewalk Café is adjacent changes I will submit an updated Sidewalk Café Property Owner Consent form to the City.

I certify that the information contained in this application and any other materials submitted in the course of my application for a sidewalk café permit is true to the best of my knowledge. I shall hold the City of Mt. Angel, its officers, agents and employees, and the adjacent property owner free and harmless from any claims for damages to persons or property including legal fees and costs of defending any actions or suits thereon, including any appeals therefrom, which may result from the granting of this permit.

Applicant Signature: _____ Date: _____

Complete Application Checklist

The following materials must be submitted to complete your application; if all materials are not received within 30 days of initial submittal your application may be returned as incomplete and denied.

- Sidewalk Café Application (this form)
- Property Owner Consent Form
- Sidewalk Café Concept Drawing
- Current Certificate of Liability Insurance for not less than \$200,000 for bodily injury for each person, \$500,000 for each occurrence, and not less than \$50,000 for property damage for each occurrence, naming the City of Mt. Angel as Certificate Holder and Additional Insured, address PO Box 960, Mt. Angel, OR 97362
- \$40 application fee payment (check payable to the City of Mt. Angel or credit/debit or cash)

FOR OFFICIAL USE ONLY

Payment (\$40.00 per Res. 1404) _____ Receipt No. _____

All documents received by (date): _____

APPROVED DENIED (Reason for denial) _____

_____ Date: _____

City Administrator or Designee

Sidewalk café permits are authorized under Mt. Angel Municipal Code Chapter 115: Sidewalk Cafés, adopted Dec. 2012)

Sidewalk Café Property Owner Consent

I, _____
name of property owner

authorize _____
Sidewalk Café Permit applicant (person)

to operate a Sidewalk Café for _____
name of business

adjacent to my property located at the address _____
property address and street

This consent shall run concurrent with the Sidewalk Café Permit. If at any time the permit expires or is revoked, this consent shall be void.

The operator of the Sidewalk Café is required to comply with all applicable sections of City, County and State code. Failure to do so may cause the permit for said location to be revoked.

I understand that this consent may be revoked in writing. The revocation must be submitted to:

City of Mt. Angel
P.O. Box 960
Mt. Angel, OR 97362

The café owner agrees to hold the property owner free and harmless from any claims for damages to persons or property including legal fees and costs of defending any actions or suits thereon, including any appeals therefrom, which may result from the granting of this permit.

The property owner is ultimately liable for any damage resulting from the condition of the sidewalk or any obstructions placed thereon and is responsible for reconstructing, maintaining and repairing the sidewalks, curbs and driveways abutting or immediately adjacent to their property (Mt. Angel Municipal Code 93.086-7).

Property Owner Signature: _____ Date: _____

Property Owner Name (printed): _____

Company (if applicable): _____

Phone: _____

Mailing Address: _____

City: _____ State: _____ Zipcode: _____

Sidewalk Café Concept Drawing

In the space below, provide a drawing of your Sidewalk Café concept. (Attach a page if more space is needed.)

Show the width of your cafe or restaurant facing the sidewalk area, location of doorways, width of sidewalk (distance from curb face to building face), location of trees, parking meters, bus shelter, sidewalk benches, trash receptacles, or any other permanent or semi-permanent sidewalk obstruction. Indicate the distance between your area of operation and any sidewalk features or obstructions within 10 feet. Include street names. Indicate the area(s) that you plan to use as your area of operation, the table locations and the area which will be occupied by the tables and accompanying chairs, and location and size of any features used to delineate the area, such as portable planters, etc.

Please note that the area to be considered must have sidewalks that remain a clear and unobstructed width of thirty six (36) inches for pedestrians.



**CITY OF MT. ANGEL
ORDINANCE NO. 733**

AN ORDINANCE REPEALING ORDINANCE 720 AND ESTABLISHING A PERMITTING PROCESS TO ALLOW OPERATION OF CAFES ON PUBLIC SIDEWALKS ADJACENT TO EXISTING BUSINESSES.

WHEREAS, the Mt. Angel City Council has declared that supporting local business is a goal and a priority for the success of this city; and

WHEREAS, business owners, community leaders, and members of the Chamber of Commerce requested that the city provide an ordinance that will allow businesses to expand outdoors in order to boost sales potential; and

WHEREAS, the City adopted Ordinance 720 in 2008 and has recently received feedback from business owners asking to limit the review to public sidewalks only and not private property; and

WHEREAS, the Mt. Angel Municipal and Development Code regulates uses allowed on private properties and regulates noise and other quality of life standards that may impact neighbors,

NOW THEREFORE, THE CITY OF MT. ANGEL ORDAINS AS FOLLOWS:

SECTION 1. Ordinance 720 is repealed and replaced by this ordinance.

SECTION 2. The following definitions apply to this ordinance:

"Operate a sidewalk cafe" - Serve food or beverage from an adjacent cafe or restaurant to patrons seated at tables located within the sidewalk area adjacent to the cafe or restaurant.

"Sidewalk" - That portion of the public right-of-way intended for pedestrian use located between the curb line or lateral line of the roadway and the adjacent property line.

SECTION 3. Operation of a sidewalk cafe is allowed as a permitted use pursuant to the zoning code given compliance with the following criteria and conditions:

§§ 3.1 Application for a permit to operate a sidewalk cafe shall be made at City Hall and shall include the following information: name and address of the applicant, 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 face to building face), location of trees, parking meters, bus shelter, sidewalk benches, trash receptacles, or any other permanent or semi-permanent sidewalk obstruction. The drawing shall also include the area requested for use as a sidewalk cafe, the table locations and the area which will be

occupied by the tables and accompanying chairs, and location and size of any features used to delineate the area, such as portable planters, etc.

§§ 3.2 The area to be considered must have sidewalks that remain a clear and unobstructed width of thirty six (36) inches for pedestrians.

§§ 3.3 Applicant shall demonstrate that fire hydrants and water standpipes are unobstructed. The Fire District Chief reserves the right to request additional clearance, for the purpose of protecting the public.

§§ 3.4 Furniture, merchandise, barriers, and other movable structures shall be at a minimum secured during closed hours and all stated items shall be removed from the right-of-way during non-operational season(s).

§§ 3.5 Business intending to sell alcoholic beverage outdoors shall demonstrate the approval of the Oregon Liquor Control Commission (OLCC).

§§ 3.6 Outdoor activities, including clean-up, shall cease by 10:00 p.m.

§§ 3.7 Operation of a sidewalk cafe shall require the following provisions for liability and insurance: a signed statement shall be submitted with the permit application stating that the permittee shall hold harmless the City of Mt. Angel, its officers and employees, and shall indemnify the City of Mt. Angel, its officers and employees for any claims for damages to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit. Permittee shall furnish and maintain such liability insurance as shall protect permittee and the City from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection with it. Such insurance shall provide coverage of not less than \$200,000 for bodily injury for each person, \$500,000 for each occurrence, and not less than \$50,000 for property damage for each occurrence. Such insurance shall name as additional insured the City of Mt. Angel, its officers and employees, and the property owner, and shall further provide that the policy shall not terminate or be canceled prior to the expiration date of the permit, without 30 days written notice to the City. Evidence that such a policy exists shall be provided to City Hall.

§§ 3.8 Issuance of a sidewalk café permit shall comply with the following terms and conditions of the permit itself: the permit is specifically limited to the area shown on the permit application, the permittee shall assure that its use of the sidewalk in no way interferes with sidewalk users or limits their free and unobstructed passage, the sidewalk and all things placed on it 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 all things shall be removed from it. If throw-away utensils, cups, plates, etc. are used, trash containers shall be provided on-site for use by the café patrons.

SECTION 4. City Council shall set the fees associated with the application by separate resolution, which may be amended from time to time to reflect costs associated with direct and indirect costs associated with the review of the application.

SECTION 5. Permits are valid for a period of one year, and are renewable by the applicant each year by submitting a letter requesting to renew the application on file with no changes to the original permit and including updated proof of valid liability insurance, if not already on file. Should an applicant wish to make substantial changes to an existing permit at any time during the year, a new application shall be filed with all required attachments and fee.

SECTION 6. Business owners/operators shall work in good faith to prevent their extension of outdoor business from negatively affecting a community event as approved by the City, or other business in the vicinity.

SECTION 7. Once approved, the City Administrator may deny or revoke the permit if it is found that any of the provisions of this ordinance have been violated, that any necessary health permit has been suspended, revoked, or canceled, or if the permittee does not have or maintain insurance which is correct and effective in the minimum amounts prescribed in Section 3.7 above. Whenever the City Administrator determines that there is cause to deny or revoke a permit, the City Administrator shall mail a notice to the applicant or permit holder stating: the reasons for the proposed denial or revocation, a brief summary of the evidence relied upon and what to do to obtain a hearing in order to dispute the proposed decision. A person whose permit is proposed to be denied or revoked may, within ten days after the notice is sent, request an evidentiary hearing before the City Administrator in order to dispute the proposed decision. If no request for a hearing is received by the City Administrator within ten days after the notice was sent, the proposed decision shall become final. If a timely request for hearing is received, the City Administrator shall notify the applicant or permit holder of the time and place of the hearing and shall make a final decision after considering all the evidence presented. Notwithstanding any other provision of the Mt. Angel Zoning Code, the decision of the City Administrator is the final decision of the City.

SECTION 8. Approval of a permit shall in no way remove the business owner/operator's obligation to follow all federal and state laws in effect;

SECTION 9. If any provision, section, sentence or phrase of this ordinance shall for any reason be judged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment or decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 10. This ordinance shall take effect thirty (30) days from the final reading.

Passed by the City Council this 5th day of November, 2012, by the following vote:

First Reading Ayes: 5 Nays: 0

Passed by the City Council this 3rd day of December, 2012, by the following vote:

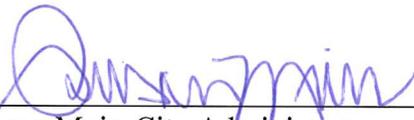
Second Reading Ayes: 6 Nays: 0

APPROVED BY THE MAYOR, this 14th day of December, 2012.



Rick Schiedler, Mayor

ATTESTED BY:



Susan Muir, City Administrator

Filed in the office of City Recorder this 14th day of ~~January~~^{December}, 2012.