SIDEWALK CAFÉ PERMIT APPLICATION



225 FIFTH STREET • SPRINGFIELD, OR 97477 • PH: 541-726-3753 • FAX: 541-726-3689

APPLICATION FEE: \$210.00 RENEWAL: \$105.00 Every Two Fiscal Years (Includes a 5% technology fee) All fees are non-refundable.

APPLICATION TYPE		
New Application	Renewal Application	
BUSINESS INFORMATION		
Applicant's Name:		
Business Name:		
Physical Address:		
City:	State:	Zip:
Phone Number:	E-mail Address:	
Mailing Address:		
City:	State:	Zip Code:
PROPERTY OWNER AND CONTACT INFORMATION		
Property Owner:		
Contact Name:		
Phone Number:	E-mail Address:	
DESIGN AND IMPLEMENTATION		
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DOWNTOWN DISTRICT SIDEWALK CAFÉ PERMIT

7.900 Revocable Permit.

In the downtown district only, the city manager, or the manager's designee, may issue a revocable permit for a sidewalk café allowing for the service of food and beverages within the public right-of-way under the following conditions:

(1) The owner or operator of the abutting eating establishment agrees to defend, indemnify and hold harmless the city from all risks associated with activity occurring within the right-of-way, and submits a certificate of insurance acceptable to the city attorney.

(2) The owner of the real property on which the eating establishment is located consents in writing to the issuance of the permit.
(3) The permit applicant demonstrates that the use of the right-of-way and all structures and fixtures placed in the right-of-

(3) The permit applicant demonstrates that the use of the right-of-way and all structures and fixtures placed in the right-ofway will not interfere with existing utilities, pedestrian or bicyclist travel, vision clearance areas, or ingress and egress to any building entrance or exit; complies with all relevant building and fire codes; will not pose a hazard to vehicular traffic or to the general public; and will meet the permit requirements in SMC section <u>7.908</u>.

(4) The sidewalk café area is located on the sidewalk abutting an existing eating establishment, or upon discretion of the city manager or the manager's designee on a case-by-case basis, in another area of public right-of-way that meets the requirements of these SMC sections 7.900 to 7.908.

(5) The permit applicant must obtain any other necessary state and local permits. [Section <u>7.900</u> added by Ordinance No. 6122, enacted April 4, 2005; amended by Ordinance No. 6444, enacted June 6, 2022.]

7.902 Downtown District Definition.

For purposes of SMC sections <u>7.900</u> through <u>7.908</u>, the term "downtown district" shall include all that property bordered on the west by Mill Street, on the east by 10th Street, on the north by A Street and on the south by South A Street. [Section <u>7.902</u> added by Ordinance No. 6122, enacted April 4, 2005; amended by Ordinance No. 6444, enacted June 6, 2022.]

7.904 Application.

An applicant for a sidewalk café permit must submit an application in the form required by the city manager including, at a minimum, the following requirements:

(1) A signed statement that the applicant lawfully operates an eating establishment adjacent to the right-of-way where the permit is sought, identifying the name and business address of the establishment and owner of the adjacent property, if different;

(2) A sketch of the proposed sidewalk café location with appropriate dimensions marked showing the placement and number of all structures, fixtures and furniture to be placed in the right-of-way, and showing any other sidewalk obstructions within 50 feet of the proposed permit area including, but not limited to, transit stops, street trees, fire hydrants, and utility or street light poles;

(3) For any walls or partitions that are greater than five feet in height or that cover any seating area, or any walls or partitions that are more than 30 percent opaque to the wind, a design drawing stamped by an Oregon licensed engineer demonstrating that the structure meets wind and seismic design loads that would be applicable to the structure if located on private property and regulated by the Oregon Structural Code; and

(4) A permit fee fixed by resolution of the council. [Section <u>7.904</u> added by Ordinance No. 6122, enacted April 4, 2005; amended by Ordinance No. 6444, enacted June 6, 2022.]

7.906 Permit Duration.

(1) Any permit issued hereunder will be valid for a period of two years, and renewable. Renewal applications will be accompanied by a renewal fee set by resolution of the council.

(2) The permit may be revoked, on not less than 24 hours' notice, in the event that the permittee does not adequately maintain the facilities in the right-of-way as required in this code and the subject permit.

(3) Any permit issued shall lapse on any change of ownership of the business holding the permit. [Section <u>7.906</u> added by Ordinance No. 6122, enacted April 4, 2005; amended by Ordinance No. 6444, enacted June 6, 2022.]

7.908 Permit Requirements.

(1) The permit may authorize the applicant to place street furniture, seating areas, and appropriate decorative or functional structures or fixtures, on the sidewalk adjacent to the permittee's establishment consistent with the following requirements:

(a) All structures, fixtures, and furniture must be placed consistent with the Americans with Disabilities Act requirements for accessibility including, but not limited to, providing at least 60 inches of unimpeded sidewalk for the use of pedestrians.

(b) If items are placed abutting the building line, the perimeter of the permit area must be marked by a safety barrier.

(c) All structures or covers for seating areas must provide a minimum of eight feet vertical clearance over any pedestrian or ingress or egress area.

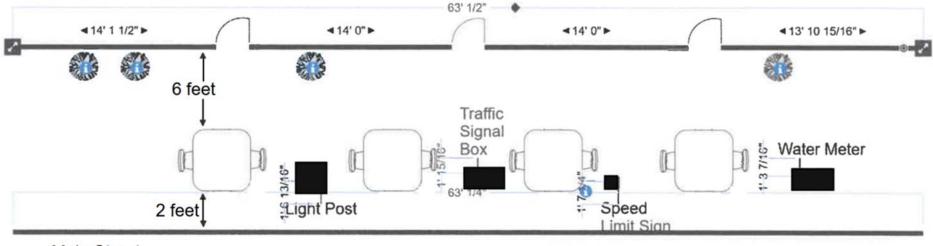
(d) All structures, fixtures, and furniture must be able to be removed or relocated within a 24-hour period if directed by the city based upon a public need, or in event of revocation of the permit under SMC section <u>7.906</u>.

(2) The sidewalk café permit shall be issued for the configuration approved in the permit and cannot be expanded beyond those bounds or modified without prior approval from the city, which may require additional permit application and fees. The city may mark the approved sidewalk café area.

(3) Violation of the permit requirements may result in revocation of the permit and/or citation under SMC

sections 5.600 to 5.625. [Section 7.908 added by Ordinance No. 6122, enacted April 4, 2005; amended by Ordinance No. 6444, enacted June 6, 2022.]

Sidewalk Café Site Plan Example



Main Street