

ORDINANCE NO. 863

AN ORDINANCE AMENDING MUNICIPAL CODE CHAPTER 12.12
DEALING WITH SIDEWALK DISPLAYS; AND DECLARING AN
EMERGENCY

WHEREAS, the Canby City council has received several request from local businesses to place tables and chairs upon the City's sidewalks in front of said businesses; and

WHEREAS, the present City Ordinances do not provide for such use, but the Canby City Council is in favor of allowing such use provided it does not obstruct pedestrian access on local sidewalks; now therefore;

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. Municipal Code Chapter 12.12.030 is amended to read as follows:

Chapter 12.12.030 Obstructions Prohibited

It shall be unlawful for any person to wholly or partially obstruct the sidewalks with displays, boxes, tables, etc. which interfere with pedestrians passing along the sidewalks except in the case of temporary construction authorized pursuant to a building permit or as otherwise provided in this chapter.

Section 2. Municipal Code Chapter 12.12.035 (A) and (B) are added as follows:

Chapter 12.12.035 Exemptions.

A. Businesses selling food and/or non-alcoholic beverages may place tables and chairs on the sidewalk in front of the buildings housing said business, provided there remains at least four (4) feet of unobstructed passage available for pedestrian passage. Umbrellas used in connection with tables must be at least seven (7) feet in height so as not to create clearance problems.

B. Said businesses wishing to utilize tables and chairs as provided in Section "A" above, shall be required to apply to City Hall for a permit authorizing the use. No fee is required for said permit but applicant must provide liability insurance coverage with the City of Canby named as additional insured in the amount of no less than \$100,000 per individual /\$500,000 in aggregate or in the amount of the minimum tort liability limits as provided by Oregon law. Permits must be renewed annually.


Section 3. Municipal Code Chapter 12.12.040 is amended to read as follows:

Chapter 12.12.040 Violation - Penalty


Any person or persons violating or failing to comply with any of the provisions of this chapter shall be deemed guilty of a civil infraction and upon conviction thereof may be fined up to one hundred dollars (\$100.00) per each day of said violation.

Section 4. Emergency. In order to better promote the health, safety and welfare of the citizens of Canby an emergency is hereby declared to exist and this ordinance shall therefore take effect immediately upon its enactment after final reading.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, August 7, 1991, ordered posted as provided by the Canby City Charter and scheduled for second reading and action of the Canby City Council at a regular meeting thereof on Wednesday, August 21, 1991, commencing after the hour of 7:30 p.m., in the Council Meeting Chambers at Canby City Hall in Canby, Oregon.


Marilyn K. Perkett,
City Recorder

ENACTED by the Canby City Council at a regular meeting thereof on August 7, 1991, by the following vote: YEAS 4 NAY 0


Acting Mayor

ATTEST:


Marilyn K. Perkett, City Recorder