

**A BILL FOR AN ORDINANCE )  
CREATING A PERMIT )  
FOR THE ISSUING OF SIDEWALK )  
CAFÉ PERMITS )**

**ORDINANCE BILL NO. 6  
FOR 2005  
ORDINANCE NO. 2375**

WHEREAS, Section 12.04.090 of the Lebanon Municipal code prohibits the placement of objects on public sidewalks, unless allowed by ordinance; and

WHEREAS, the City Council, after appropriate notice and hearing on May 25, 2005, finds that the use of the public sidewalks in the Central Business zone of the city for the purpose of providing opportunity to restaurants and cafes within such zone is of a benefit to the general public of the city; and

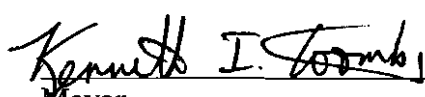
WHEREAS, the City Council further finds that with appropriate and reasonable criteria, developed by administrative rulemaking can assist merchants in safely placing tables and chairs on the public sidewalk; and

WHEREAS, the City Council finds that some type of permitting system is necessary to make safe the placement of tables and chairs on the public sidewalk and the City Council desires to implement such a process;

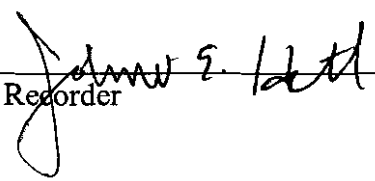
**NOW, THEREFORE, THE PEOPLE OF THE CITY OF LEBANON ORDAIN AS FOLLOWS:**

- Section 1. There is hereby adopted a Sidewalk Café Permit process to provide the opportunity for restaurants and cafes to use the public sidewalk which is immediately adjacent to such businesses for the purpose fo providing outdoor seating. The form of application for a Sidewalk Café Permit, and the initial Administrative Rules and Criteria which are attached as Exhibit "A" are approved for the issuing of such permits. Amendments in the criteria and rules shall be made by Administrative Rule by the City Administrator or his designate.
- Section 2. To the extent that Lebanon Municipal Code would require it, this ordinance shall constitute an exception to the general prohibition contained in Section 12.04.090 of the Code. The permits allowed herein shall apply to businesses located within the Central Business Zone (CB) of the city.
- Section 3. A permit fee is hereby authorized, which shall be reasonable and be established by resolution of the Lebanon City Council.

Passed by the City Council by a vote of 5 for and 0 against on the 25<sup>th</sup> day of May, 2005.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

**CITY OF LEBANON**



**Community Development**  
853 Main Street  
Lebanon, Oregon 97355  
(541) 258-4906 (phone)  
(541) 258-4955 (fax)

**ANNUAL APPLICATION FOR: SIDEWALK CAFÉ PERMIT**

**APPLICANT & SITE INFORMATION**

Applicant Name: \_\_\_\_\_ Phone No.: \_\_\_\_\_  
Applicant Address: \_\_\_\_\_ Contact Name: \_\_\_\_\_  
\_\_\_\_\_

**SITE:**

Business Name: \_\_\_\_\_ Map No.: \_\_\_\_\_  
Site Address: \_\_\_\_\_ Tax Lot No.: \_\_\_\_\_  
\_\_\_\_\_ Zoning Designation: Central Business

**Please submit the following:**

- One (1) copy of this form.
- One (1) copy of a sidewalk café plan.
- One (1) copy of restaurant licence (only half of licenced seating is allowed outside).
- A filing fee of \$50.00 annually per business is required for food and non-alcoholic beverage service (make check payable to the *City of Lebanon*).

**CERTIFICATION:**

I certify that all of the information on this form is accurate and true. I shall hold the City of Lebanon, its officers, agents, and employees 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 appeals therefrom, which may result from granting this permit.

Owner or Agent Signature: \_\_\_\_\_ Date: \_\_\_\_\_

<b>FOR OFFICE USE ONLY</b>	
Date Received: _____	Received By: _____
Fee Amount: _____	Approval: _____
Receipt Number: _____	Case Number: _____

## **SIDEWALK CAFÉ PERMIT INFO**

The Sidewalk Café Permit process provides the opportunity for restaurants and cafes to use the sidewalk immediately adjacent to their business for the purpose of providing outdoor seating. Such use shall be in conformance with the provisions set forth in the City of Lebanon Municipal Code. An approved permit from the Community Development Department is required prior to the establishment of the sidewalk café or placement of tables and chairs on the public sidewalk.

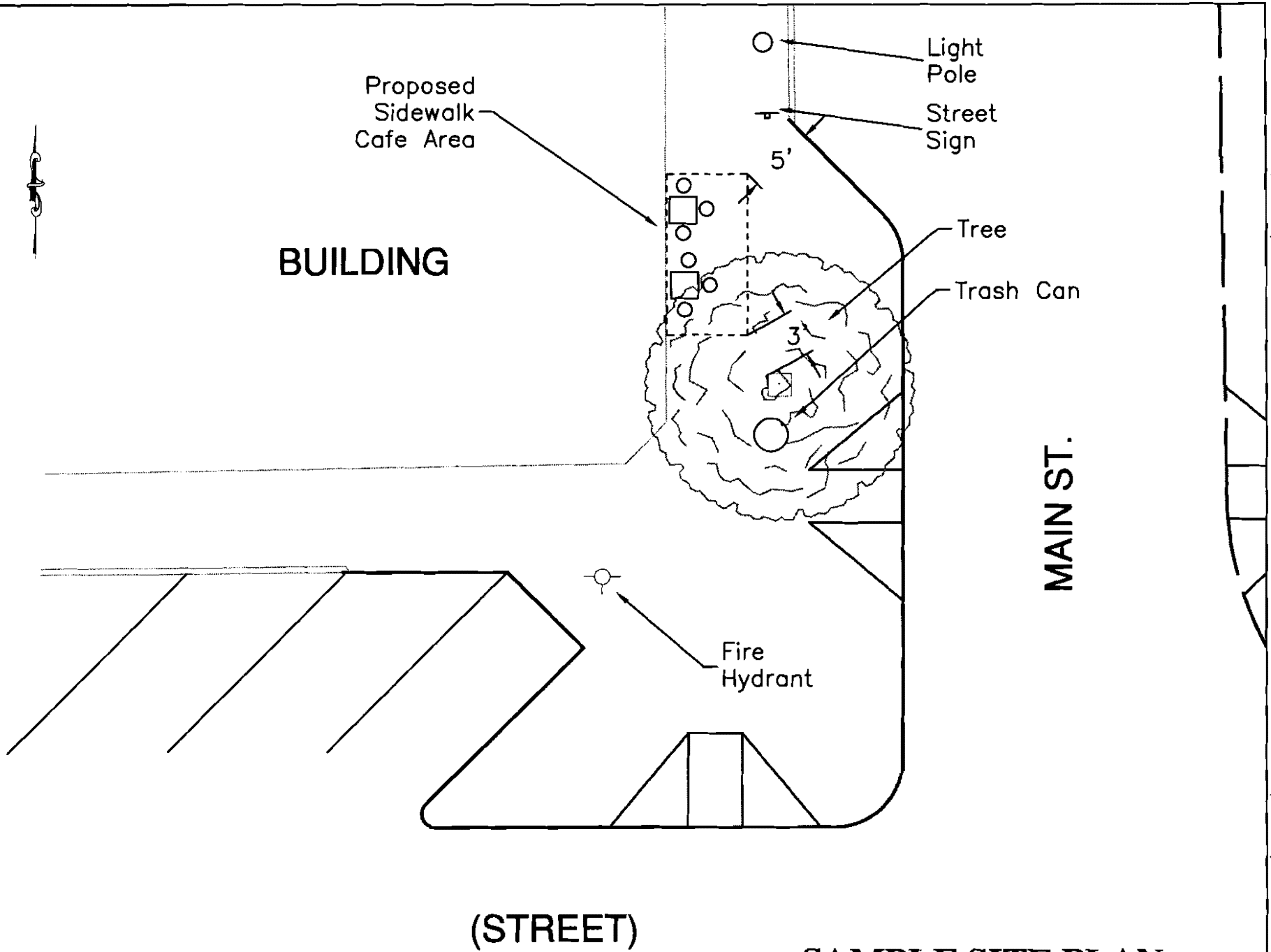
Permit applications are required to meet the following minimum criteria:

1. The structure containing the restaurant or café shall be located in the Central Business (CB) Zone.
2. Operating hours are from dawn to dusk (1/2 hour past sunset).
3. Tables and chairs are to be removed daily, unless permanently affixed.
4. Permits are valid for one calendar year.
5. The sidewalk café shall be located such that there is at least five (5) feet from the outermost edge of the sidewalk café area (including occupied seats) to the street curb, minimum of three (3) foot clear and unobstructed passageway shall be maintained and ramps not blocked. In addition, sidewalk cafes shall not occupy or obstruct vision clearance triangles (intersection of streets or streets and alleys/driveways).
6. The permittee shall furnish and maintain such public liability, food products liability, and property damages insurance as will 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 therewith. Such insurance shall provide coverage of not less than the amount of municipal tort liability under the Oregon Torts Claims Act. The permittee shall name the City as an additional insured by attaching an endorsement (provided by the City) to the certificate of insurance. Such insurance shall be without prejudice to coverage otherwise existing therein, and shall name as additional insured the City, its officers and employees, and shall further provide that the policy shall not terminate or be canceled prior to the expiration of the permit or without 30 days written notice to the City.

## **SIDEWALK CAFÉ PLAN REQUIREMENTS**

Please provide the following information on the plan (see attached example):

1. A scale (1" = 20' or larger).
2. North arrow.
3. Proposed area to be used.
4. Required clear pathways. (see #2 under minimum criteria).
5. The location of all existing nearby obstacles (tree wells, bike racks, lamp posts, sign posts, fire hydrants, trash cans, etc.).
6. All nearby street intersections and/or street and alley/driveway intersections.
7. Location of buildings and exterior doorways (including door swing).
8. Exit pathways from doorways.
9. Location of proposed tables (show umbrellas if applicable) and chairs. (A minimum of 6'8" clearance is required from grade to the bottom of the umbrella).
10. Provide an ADA seating area.



Scale: 1" = 10'

**SAMPLE SITE PLAN**