



ORDINANCE NO. 25-002
REVISIONS TO SMC 5.25 AND 8.04.090
REMOVING PERMITS FOR SIDEWALK VENDORS AND CAFES

WHEREAS, the City of Stayton has adopted Section 5.25 of the Stayton Municipal Code (SMC) regarding conducting business in a street right-of-way;

WHEREAS, from time-to-time businesses in Stayton have used portions of the sidewalks for the display of merchandise or for seating for table service customers;

WHEREAS, the City of Stayton allows sidewalk vendors and sidewalk cafes to operate in accordance with established guidelines; and

WHEREAS, the City of Stayton has determined that permit for sidewalk vendors and sidewalk cafes and their corresponding fees should not be implemented.

NOW THEREFORE, THE STAYTON CITY COUNCIL ORDAINS AS FOLLOWS:

SECTION 1. Section 5.25 and Section 8.04.090 of the Stayton Municipal Code (SMC) is hereby enacted as shown on Exhibit A and B attached hereto and incorporated herein.

This Resolution shall become effective upon its adoption by the Stayton City Council.

ADOPTED BY THE STAYTON CITY COUNCIL THIS 5TH DAY OF MAY 2025.

Signed: 5-5, 2025

BY:

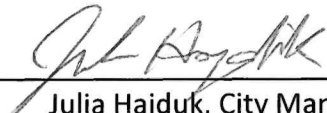
CITY OF STAYTON



Brian Quigley, Mayor

Signed: 5-8, 2025

ATTEST:



Julia Hajduk, City Manager

Exhibit A

CHAPTER 5.52

CONDUCTING BUSINESS IN A STREET RIGHT-OF-WAY

SECTIONS

5.52.010	Definitions
5.52.020	General Provisions
5.52.030	Miscellaneous Appurtenances
5.52.040	Sidewalk Vendors Other Than Sidewalk Cafés
5.52.050	Sidewalk Cafés
5.52.060	Application for Permit
5.52.070	Conditions of Operation
5.52.080	Permit Issuance
5.52.090	Permits
5.52.100	Non-Profit Organizations
5.52.110	Appeals
5.52.120	Violations

5.52.10 DEFINITIONS

The following definitions apply unless inconsistent with the context:

1. Manager: The City Manager or the City Manager's designee.
2. Permit Operating Area: the area ~~approved for conducting business under~~ as a sidewalk vendor ~~permit~~.
3. Sidewalk Café: a duly licensed restaurant or café under state and local law, which ~~obtains a sidewalk vendor permit to have~~ has seating and or customer service on the sidewalk as an extension of the regular service area of the restaurant or cafe.
4. Sidewalk Vendor: a business, which may include a sidewalk cafe, that ~~obtains a sidewalk vendor permit to~~ conducts business within the street right of way by means of displaying merchandise, providing table service, or providing seating for customers directly in front of the building in which the business is located.

5.52.20 GENERAL PROVISIONS

1. It is unlawful for a person to conduct business within a street right of way except as provided in this subchapter.
 2. ~~No person may conduct business within a street right of way without first obtaining a sidewalk vendor permit from the City.~~
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5.52.30 MISCELLANEOUS APPURTENANCES

1. ~~The Manager may approve, upon proper application, a provision of A~~ sidewalk vendor ~~permit to~~ **is allowed to** installation of certain appurtenances on sidewalks, limited to planters, solid waste containers, benches, drinking fountains and bicycle racks within the ~~permit operating area.~~
2. No advertising is allowed on the appurtenances under Section 5.36**52.030.1**, except the acknowledgement of donors of same, which may be displayed on a plastic or metal plaque not to exceed 160 square inches in size.
3. In the event an appurtenance under Section 5.36**52.030.1** is deemed by the Manager to be in violation of the code, ~~the sidewalk vendor permit may be revoked in whole or in part and:~~
 - a. The appurtenance deemed to be a violation will be removed by the city 10 days after providing written notice to the owner or person in charge; or
 - b. If the appurtenance is deemed by the Manager to be an immediate danger to the life, health, property or safety of the public, the Manager may remove the appurtenance immediately and bill the owner for the cost of removal and storage.

5.52.40 SIDEWALK VENDORS OTHER THAN SIDEWALK CAFÉS

A business operating on a property adjacent to a public street may ~~obtain a sidewalk vendor permit to~~ conduct business in the street right of way subject to the following conditions:

1. The ~~permit operating area~~ must be placed directly in front of the associated establishment;
 2. The ~~permit operating area~~ may not be placed within a curb extension (bulb-out) unless otherwise authorized by the Manager;
 3. The ~~permit operating area~~ may not be placed in front of a building entrance and must leave unobstructed pedestrian travel space equal to the width of the doorway from the doorway to the curb line;
 4. The ~~permit operating area~~ must leave unobstructed a linear five foot area of sidewalk;
 5. The ~~permit operating area~~ must leave a two-foot buffer from the curb unless authorized by the Manager;
 6. Decorative barriers, external to the ~~permit operating area~~ when used, must:
 - a. Be placed on the sidewalk to prevent pedestrians from walking into or through the ~~permit operating area~~ when approaching from lateral sides;
 - b. Have a bottom edge not more than 15 inches above the sidewalk and to exceed four feet in height;
 - c. Contain no advertising beyond identifying the name of the sidewalk café and its menu items and specials;
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- d. Be constructed so that they are easily removed, readily accessible to the handicapped and easily detected by a sight impaired pedestrian;
7. Merchandise on display may be placed only in the 30-inch space most adjacent to the exterior wall of the building housing the business; and,
8. No vending machines are allowed in a ~~permit~~-operating area;

5.52.50 SIDEWALK CAFÉS

A duly licensed restaurant or café under state and local law may ~~obtain a sidewalk vendor permit to~~ conduct business as a sidewalk café subject to the following conditions:

1. The ~~permit~~-operating area must be placed directly in front of the associated establishment;
 2. The ~~permit~~-operating area may not be placed within a curb extension (bulb-out) unless otherwise authorized by the Manager;
 3. The ~~permit~~-operating area may not be placed in front of a building entrance and must leave unobstructed pedestrian travel space equal to the width of the doorway from the doorway to the curb line;
 4. The ~~permit~~-operating area must leave unobstructed a linear five foot area of sidewalk, taking into account street trees, signs, parking meters, or other obstructions;
 5. The ~~permit~~-operating area must leave a two-foot buffer from the curb;
 6. Decorative barriers, external to the ~~permit~~-operating area when used, must:
 - a. Be placed on the sidewalk to prevent pedestrians from walking into or through the ~~permit~~-operating area when approaching from lateral sides;
 - b. Have a bottom edge not more than 15 inches above the sidewalk and to exceed four feet in height;
 - c. Contain no advertising beyond identifying the name of the sidewalk café and its menu items and specials; and
 - d. Be constructed so that they are easily removed, readily accessible to the handicapped and easily detected by a sight impaired pedestrian.
 7. Tables to be used by standing customers may be placed only in the 30-inch space most adjacent to the exterior wall of the building housing the primary restaurant or café;
 8. Only food and beverages prepared and offered for sale in the primary establishment may be served in the ~~permit~~-operating area and are under the same controls and conditions of service as in the primary establishment;
 9. No vending machines are allowed in a ~~permit~~-operating area;
 10. Table umbrellas are allowed with a minimum height of seven feet above sidewalk level in a ~~permit~~-operating area;
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11. Dirty dishes and all debris must be promptly removed from a permit-operating area;
12. Solid waste containers may be required in the permit-operating area for the placement of solid waste by customers; and
13. Equipment in the permit-operating area must be attended at all times.

5.52.60 — APPLICATION FOR PERMIT

~~Application for a sidewalk vendor permit must be made on a form provided by the Manager, with a separate application for each type of commodity or service and include, but not be limited to:~~

- ~~1. The names and addresses of the owner and all operators;~~
 - ~~2. Copies of all necessary licenses and permits required by state or local authorities;~~
 - ~~3. Identification of the type of business conduct;~~
 - ~~4. The means to be used in conducting the business, including, but not limited to, a description of any mobile device to be used;~~
 - ~~5. The specific location proposed;~~
 - ~~6. A certificate of insurance that:

 - ~~a. Names the city, its officers and agents, as coinsured and co-indemnified for any damage to property or injury to persons which may result from the activity carried on under the sidewalk vendor permit;~~
 - ~~b. Insures the permittee, property owners and the city from all claims which may arise from operation under the sidewalk vendor permit or in conjunction with it;~~
 - ~~c. Provides 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 per occurrence or a combined single limit coverage of \$500,000; and~~
 - ~~d. May not be terminated or canceled without 30 days' written notice to the city and so specifies.~~~~
 - ~~7. If seeking the use of appurtenances under Section 5.52.030.1, photographs or detailed scale drawings showing the design and precise location proposed for such appurtenances;~~
 - ~~8. If seeking to operate a sidewalk café under Section 5.52.050, photographs or detailed scaled drawings of the proposed permit operating area and the portion of the restaurant or café connecting to same, showing the intended placement of barriers, chairs, tables and other appurtenances; and~~
 - ~~9. A nonrefundable fee, as set by council resolution to cover the cost of investigation and processing, must accompany applications for initial and renewal of sidewalk vendor permits.~~
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5.52.70 CONDITIONS OF OPERATION

- ~~1. Only business conduct as approved under the sidewalk vendor permit may occur.~~
2. A sidewalk vendor may not lead to or cause congestion or blocking of pedestrian traffic contrary to the limitations established in this Chapter.
3. A sidewalk vendor may not cause or allow loud or undue noise by vocalizing or through sound amplification.
4. A sidewalk vendor may not cause or allow an offensive odor as a result of the vendor's business conduct.
5. If a sidewalk vendor is selling edible items they must be immediately consumable.
6. If a sidewalk vendor is selling non-edible items, they must be easily carried by pedestrians and be pre-manufactured, prepackaged or previously handmade.
7. Any sidewalk vendor selling edible items must provide a solid waste container for use by customers.

5.52.80 ~~PERMIT ISSUANCE~~

- ~~1. Review and Issuance. The Manager will review an application for a sidewalk vendor permit and may issue a permit after all the conditions under Section 5.52.040 or 5.52.050 are met and upon finding that use of the permit operating area is compatible with the public use of the sidewalk area and the proposed business conduct is deemed to be in the best interest of the public. In making this determination, the Manager will consider any pertinent information, whether submitted by the applicant or obtained by the Manager independently.~~
- ~~2. Denial and Appeal. If the application for sidewalk vendor permit is denied because the proposed location is determined by the Manager to be unsuitable, the applicant may file a written appeal with the city within 15 days of notice of denial. The council will then set, notice and conduct a hearing on the appeal of applicant.~~

5.52.90 PERMITS Sidewalk

Vendor Permits.

- ~~1. Will name the applicant and the conditions under which the sidewalk vendor permit is granted;~~
 - ~~2. Expire one year from issuance;~~
 - ~~3. Are not transferable in any manner;~~
 - ~~4. Are valid only when used within the permit operating area designated on the sidewalk vendor permit; and~~
 - ~~5. May be suspended for up to five days when the City authorizes a special event in the street on which the permit has been issued and provides a written notice to the permittee~~
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~~by either personal delivery or by mail via first class United States Postal Service at least five days prior.~~

5.52.100 NON-PROFIT ORGANIZATIONS

1. Local nonprofit organizations may, upon approval of the application made to the city on a form approved by the Manager that includes written consent from the adjacent property and business owners or operators, conduct bake sales, rummage sales and other similar fundraising activities for a duration not to exceed three days, no more frequently than once per calendar quarter and only between 9:00 a.m. and 9:00 p.m.
2. ~~The application under Section 5.52.100.1 must be accompanied by a fee, as set by council resolution, and a certificate of insurance conforming to Section 5.52.060.6.~~

5.52.110 APPEALS

1. An appeal of a decision of the Manager will be heard by the Council.

5.52.120 VIOLATIONS

1. A violation of the provisions of this Chapter will subject citation in Municipal Court.
 2. Upon a finding of a violation by the Municipal Court the Court shall impose a fine in accordance with a Resolution adopted by the City Council. Each day the violation exists after notification shall constitute a separate offense.
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Exhibit B

8.04.90 OBSTRUCTION OF SIDEWALKS AND ALLEYS

1. Except as specifically provided in this section or in Section **5.52 CONDUCTING BUSINESS IN A STREET RIGHT-OF-WAY**, no person shall place or maintain any item obstructing a sidewalk or alley that extends more than 36 inches into the public right-of- way.
2. No person may obstruct any portion of a sidewalk, street, or alley with any building material in connection with the alteration or construction of buildings without first obtaining a permit from the City ~~Administrator~~ **Manager**.
3. If obstruction is permitted under subsection 2 of this section, not more than one-third of the street or alley shall be occupied or obstructed with material, and only in front of the property where the building is being altered or constructed.
4. Any person who maintains an obstruction under subsection 2 of this section shall, upon request of the City ~~Administrator~~ **Manager**, give written proof of carrying liability insurance to cover any hazard.
5. If a permit is granted to allow obstruction, the person so obstructing shall maintain a substantial temporary sidewalk around the construction. A guard railing and amber light as a danger signal shall be kept at each end of the obstruction during the hours between sunset to sunrise.
6. Nothing in this section shall be construed to prohibit the display of goods and materials upon private property, nor shall it apply to persons receiving or discharging goods or merchandise across a sidewalk or alley in accordance with all applicable laws. (Ord. 711, November, 1992; Ord. 899, October 1, 2007)