



Conduct Business on City Public Right-of-Way Application

Dallas City Code Section 7.400

Dallas City Code Section 7.400 - 7.430

7.400 Permit Required.

No person shall conduct business on any public right-of-way without first obtaining a permit from the city manager. Permits will expire 180 days from issuance.

[Section 7.400 amended by Ordinance No. 1518, passed May 6, 1996; amended by Ordinance No. 1725, passed June 21, 2010 amended by Ordinance 1853, passed July 19, 2021.]

7.405 Permit Fee.

Each application for a permit to conduct business on a public right-of-way shall be accompanied by a fee established by council resolution.

[Section 7.405 amended by Ordinance No. 1518, passed May 6, 1996; amended by Ordinance No. 1725, passed June 21, 2010.]

7.410 Application and Fee.

(1) Application for a permit to conduct business on a public right-of-way shall be made on a form prescribed by the city manager and pay the fee established by resolution of the city council.

[Section 7.410(1) amended by Ordinance No. 1518, passed May 6, 1996.]

(2) A separate application shall be required for each mobile container or device to be used for transportation or display.

[Section 7.410 amended by Ordinance No. 1725, passed June 21, 2010.]

7.411 Insurance.

The city manager may require the vendor to obtain and maintain a policy of liability insurance from an insurance company licensed to issue insurance in the State of Oregon, with limits in an amount the city manager reasonably deems appropriate, and with the city named as an additional insured thereunder, and to provide the city with a certificate of such insurance. Said insurance coverage, if required, shall be maintained for so long as the permit remains in effect. The insurance policy and certificate of insurance shall contain a provision that, for the period of time covered by the permit, it cannot lapse or be canceled or amended without at least ten days advance notice to the city.

[Section 7.411 added by Ordinance No. 1603, passed January 2, 2001; amended by Ordinance No. 1725, passed June 21, 2010.]

7.415 Location Review.

(1) Upon receipt of an application for a permit, the manager shall review each location applied for to determine whether the location is within a commercial area and the use of the location for public right-of-way vending is compatible with the public interest in use of street and sidewalk areas as public rights-of-way.

(2) In making the determination, the manager may consider the width of the public right-of-way, the proximity and location of existing street furniture, including but not limited to, sign posts, lamp posts, parking meters, bus shelters, benches, phone booths, and newsstands, as well as the presence of bus stops, truck loading zones, or taxi stands, to determine whether the proposed use would result in pedestrian or street congestion. The city manager will apply design requirements as set forth in Section 7.418.

(3) If the manager determines the proposed location is unsuitable, the city manager shall so inform the applicant who may appeal the decision to the council in the same manner as an appeal filed under section 7.065, upon the filing of an appeal fee established by resolution of the city council.

[Section 7.415 amended by Ordinance No. 1518, passed May 6, 1996; amended by Ordinance No. 1725, passed June 21, 2010; amended by Ordinance 1853, passed July 19, 2021.]

7.418 Design requirements for sidewalks and parking spaces.

The city manager or the city manager's designee may adopt rules governing design requirements for sidewalks and parking spaces. Such rules shall allow for the active use of the public right-of-way for outdoor dining and other permitted business uses in a manner that is consistent with considerations of public health, safety and welfare.

[Section 7.418 adopted by Ordinance 1853, passed July 19, 2021]

7.420 Form and Conditions of Permit.

Permits issued shall be in a form prescribed by the manager. Permits shall contain the following conditions:

- (1) The permit is valid only when used at the location(s) designated on the permit.
- (2) The permit as it applies to a given location may be suspended for a period up to ten days when council action providing for a "community event" requires the suspension.

[Section 7.420 amended by Ordinance No. 1725, passed June 21, 2010.]

7.425 Restrictions.

(1) A person conducting business on a public right-of-way must display prominently the permit issued by the city manager.

[Section 7.425(1) amended by Ordinance No. 1518, passed May 6, 1996.]

- (2) No person shall conduct business at a location other than that designated on the permit.
- (3) No permittee shall make any loud or unreasonable noise of any kind for the purpose of advertising or attracting attention to the permittee's wares.

(4) No permittee shall conduct business in violation of the council action providing for a community event.

[Section 7.425 amended by Ordinance No. 1725, passed June 21, 2010.]

7.430 Penalty.

Violation of a provision of sections 7.400 to 7.425, or of any rules adopted under section 7.418, is a civil infraction.

[Section 7.430 amended by Ordinance No. 1725, passed June 21, 2010; amended by Ordinance 1853, passed July 19, 2021.]



<u>Title</u>	STANDARDS FOR VENDORS IN THE RIGHT OF WAY
<u>Purpose</u>	The purpose of this policy is to provide an objective set of design standards for vendors in the right of way.
<u>Scope</u>	This policy applies to all parties interested in conducting business in the right of way.
<u>Policy</u>	<p>Ordinance 1853 relating to Vendors in the Right of Way provides for design requirements in Dallas City Code section 7.418: <i>“The city manager or the city manager’s designee may adopt rules governing design requirements for sidewalks and parking spaces. This Administrative Policy establishes those design requirements.”</i></p> <p>The procedure below are the adopted design standards for vendors in the right of way.</p>
<u>Procedure</u>	<ol style="list-style-type: none">1. Five feet of sidewalk width must remain clear and accessible for pedestrian access along the entire sidewalk, not including impediments like trees and landscaped areas. No obstructions may be located within this pedestrian through zone, including furniture, heaters, or other equipment.2. Electrical cords may cross the pedestrian through zone if installed a minimum of 10 feet above the sidewalk or on the sidewalk under ADA compliant cord protector ramps. Cords shall not be attached to any utility pole, light pole, street sign, or other infrastructure.3. Next to the vehicle travel lane, provide a minimum of 1 foot of space for traffic control devices. This buffer space cannot be occupied or used for any other function. Permit-holder shall provide traffic control devices to delineate space from vehicle travel, using any of the following traffic control devices:<ul style="list-style-type: none">• Fencing, barrels, planters, stanchions• Traffic cones, candle stick delineators, wave delineators• Traffic control devices are required at each corner of the permitted space at minimum. Devices that are not continuous must be connected to provide a continuous delineation from vehicle lanes and parking spaces using metal or plastic chaining, rope, or similar equipment.<p>Traffic control device facing oncoming vehicles shall include reflectivity. Reflectivity shall be a minimum of 12 inches in vertical length and cannot be in the shape of any symbol. Any diagonal lines must slope down towards the vehicle lane. Additional traffic cones or candlestick delineators may be added to alert drivers.</p>

4. Items up to 3 feet tall are allowed on and adjacent to the sidewalk, curb, or edge of pavement, and may extend up to 1 foot from the adjacent vehicle travel lane. Allowable features include: barriers, rails, walls, tables, chairs.
5. Table umbrellas are allowed and must have a minimum clearance height of 7.5 feet above the adjacent walking surface. Umbrellas may partially cover the sidewalk (maintaining the same minimum clearance over sidewalk). Umbrellas must have a weighted base. Umbrellas must not cover the 5-foot pedestrian through zone.
6. Refer to the figure below for a visual depiction of the above standards.



Figure. #1.

7. Platforms may be installed. Platforms shall not impede storm water gutter flow. Platforms that create accessible access are encouraged.
8. Lighting is allowed but must not be distracting to drivers. Blinking lights and lights similar to traffic signals are prohibited.
9. Heaters shall comply with requirements from the Dallas Fire Department. Propane heaters require a permit and are not allowed under tents without approval from the Dallas Fire Department.



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10. Other permit requirements:
- This permit is for the use of the right of way and shall not exempt the permittee from obtaining any license or permit as required by the City Code or Ordinances for any act to be performed under this permit, nor shall this permit waive the provisions of any City Code, Ordinance or the City Charter except as stated on permit.
 - ADA and accessibility requirements for public accommodations must be adhered to.
 - Applicable current Oregon statewide guidance on Covid-19.
 - Applicable current Oregon Health Authority updates on Covid-19.
 - Appropriate Oregon Liquor Control Commission (OLCC) permits and reopening guidance and expansion of service.
11. Leaf and debris removal. Permittees will need to work with Public Works staff to establish leaf removal requirements. In some instances, leaf removal from the street for the entire block face on which the business is operating may be required, as it may be inaccessible to normal leaf removal equipment. Leaf removal frequency will be as needed to prevent blockage of storm drains and localized flooding. Permittees will be responsible for conducting leaf and debris removal as required, and failure to do so will result in the immediate termination of the permit.
12. Trash containers must be provided in the outdoor business area and shall be emptied at the end of each day.
13. Signs must comply with the City's Sign Code. Sandwich board signs shall be located outside of required sidewalk access areas

Date Approved: August 18, 2021

Date Amended: August 18, 2021

City Manager:



Conduct Business on City Public Right-of-Way Application

Dallas City Code Section 7.400

Fee - \$200.00

Official Use Only
File # _____
Date Rc'd _____
Fee _____ Paid _____

Applicant's Name

Business Name

Complete Business Address

Phone

Email

Start Date

End Date

Describe methods and means of conducting business, including location, built structures, furniture, barriers, etc. (Attach a map, plans, and photos as necessary)

Applicant must obtain and maintain a policy of liability insurance in the amount of \$1,000,000, and name the City of Dallas, Oregon as an additional insured. A certificate of insurance shall be provided to the City before the City will issue the permit.

Signature

Date

Please return completed form to:

**City Manager's Office
187 SE Court Street
Dallas, OR 97338
503-831-3502
recorder@dallasor.gov**