

City of St. Helens Sidewalk Vendor Application

PLEASE PRINT ♦ COMPLETE ALL BOXES ♦ USE ADDITIONAL PAPER IF NEEDED

Applicant Name(s):	Adjacent Property Owner Name(s):
Applicant Mailing Address:	Property Owner Mailing Address:
Applicant E-mail Address:	Property Owner E-mail Address:
Applicant Telephone No.:	Property Owner Telephone No.:
Business License No.:	Expiration Date:

PROPOSAL

Type of items sold or services rendered:	Adjacent Site Address: <i>Street name if # not assigned Separate application required for each location.</i>
Description of mobile container or device to be used for transport or to display items or services: <i>Separate application required for each mobile container or device to be used for transportation or display.</i>	

Attach the following:

1. Valid copy of all necessary permits required by State or local health authorities.
2. Detailed scale drawings of the device to be used, material specifications, and an isometric drawing of at least two views showing all four sides of the vending device.
3. Hold Harmless Agreement.

I hereby certify under penalty of perjury and false swearing that the information I have provided is true and correct and further that I am the sole owner of the property identified herein or I am authorized by ALL the owners to make this application. I have read Section 8.12.082 Sidewalk Vendors of the St. Helens Municipal Code and agree to comply with all rules.

Applicant(s) Signature

Date Signed

Property Owner(s) Signature

Date Signed

FOR OFFICE USE ONLY

Date Received:	Location Review: <input type="checkbox"/> Approved <input type="checkbox"/> Denied
Received By:	By: _____ Date: _____
Fee Amount Paid:	Inspected by Fire Marshall:
Receipt No.:	Issue Date:
	File No.:

Business License Fee Schedule

Fee Type	Amount
1. Resident Business - ☞ business location is inside St. Helens City Limits \$55 annual fee plus \$5.00 per full-time employee in excess of two devoting the principal part of his/her time to such business. Average number of persons regularly employed by said business during the year immediately preceding the year for which the application for license is made. This average shall be computed by adding all regular employees listed on the quarterly social security reports during the year and dividing this total by four. If the firm or business makes a different number of social security reports than four, the average shall be computed by dividing by the number of reports made.	\$55.00 per calendar year +\$5.00 per full-time employee or two part-time employees <i>Not to exceed a maximum of \$1000 annually.</i>
2. Non-Resident Business - ☞ business location is outside St. Helens City Limits	\$100.00 per calendar year Flat Fee. <u>Do Not</u> pay per employee.
3. Residential Rentals (2 or more rental units) - Submit address list of all rental units. Includes houses, multifamily (duplex = 2 units, triplex = 3 units), apartments, hotel, motel. This cannot be combined with another type of business license.	\$10.00 per unit
4. Commercial Rentals - Submit address list of all rental units. This cannot be combined with another type of business license.	\$40.00 per unit
5. Delivery Service Only for Non-Resident Business	\$50.00 per calendar year Flat Fee. <u>Do Not</u> pay per employee.
6. 7-Day License - May be renewed one time for a total of 14 days. These fees cannot be applied toward annual fee.	\$25.00 per calendar year
7. Mobile Home Park	\$4.00 per space
8. Taxicab Company Permit – initial fee	\$35.00 initial application
9. Taxicab Driver Permit – initial fee	\$35.00 initial application
10. Taxicab Driver Permit – renewal fee	\$20.00 per calendar year
11. Late Application Fee – Fail to file the application 30 days prior to the date the license is requested to be effective.	\$15.00
12. Late Renewal Fee – Fail to renew an annual business before February 1 st of the license year.	\$20.00 per month after Feb. 1st
13. Transfer of License/Change of Business Ownership	\$10.00
14. Non-refundable Appeals Fee	\$125.00
15. OLCC Original Application Processing Fee	\$100.00
16. OLCC Change in Ownership, Location, or Privilege Processing Fee	\$75.00
17. OLCC Renewal or Temporary Application Processing Fee	\$35.00
18. Sidewalk Vendor Application Fee	\$60.00 non-refundable
19. Sidewalk Vendor Permit Fee	\$75.00
20. Sidewalk Vendor Appeal Fee	\$75.00
21. Sidewalk Vendor Renewal Fee – Applies only to valid permits. If you have an invalid permit, you will need to begin the application process over again.	No fee unless permit is invalid

- ❖ Businesses granted licenses **after June 30th** shall pay 50% of the appropriate license fee total.
- ❖ Businesses granted licenses **after September 30th** shall pay 25% of the appropriate license fee total.
- ❖ The Change of Ownership/Re-Issue fee is \$10.
- ❖ Secondhand Dealers/Pawnbrokers and Taxicab companies are required to register their businesses on a separate application, in addition to this business license. Contact City Hall for appropriate forms to complete.
- ❖ **If you do not pay before February 1st, you will be assessed a late fee.**

Example: Mr. Smith comes in to get his Resident Business License renewed on May 15th, although he has been operating his business since January 1st of the year. He has two full-time employees in addition to himself. He will be assessed a \$20 late fee for the months of February, March, April, and May.

Example:

Fee Type 1	\$ 55.00
Plus 2 FT employees:	+ 0.00
Total Fee	\$ 65.00
Late Fee	\$ + 80.00 (620 x 4 months)
TOTAL DUE	\$ 145.00*

*Do not pay this amount!! This is an example only!!

Hold Harmless Agreement

_____, as the permittee(s), shall hold harmless the City of St. Helens, its officers and employees and shall indemnify the City of St. Helens, its officers and employees for any claims for damage to property or injury to persons which may be occasioned by an activity carried on under the terms of the permit. Permittee shall furnish an maintain such public liability, food products liability, and property damage insurance as will protect permittee, property owners, and 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 \$100,000 for bodily injury for each person, \$300,000 for each occurrence and not less than \$300,000 for property damage per occurrence. Such insurance shall be without prejudice to coverage otherwise existing therein, and shall name as additional insured the City of St. Helens, their officers and employees, and shall further provide that the policy shall not terminate or be canceled prior to the completion of the contract without 30-days written notice to the City Administrator of the City of St. Helens.

Said permittee shall also hold harmless the adjacent property owner(s) for any claims for damage to property or injury to persons which may be occasioned by any activity carried on or under the permit.

Permittee

Date

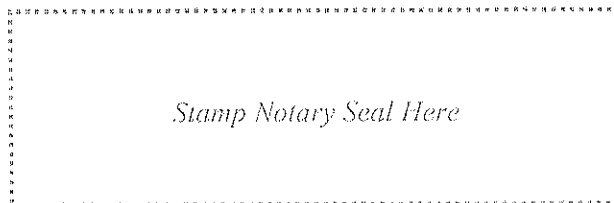
Permittee

Date

STATE OF OREGON)
) ss.
COUNTY OF COLUMBIA)

Signed or attested before me on _____ 20__ by _____.

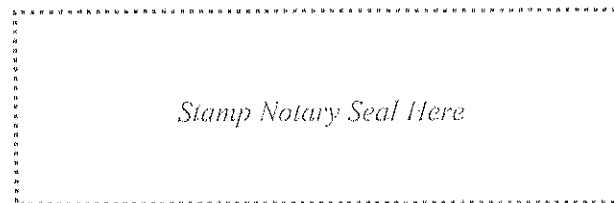
Notary Public
Print Name: _____
My Commission Expires: _____



STATE OF OREGON)
) ss.
COUNTY OF COLUMBIA)

Signed or attested before me on _____ 20__ by _____.

Notary Public
Print Name: _____
My Commission Expires: _____



ATTACHMENT A

The following is added to Section 8.12 as subsection .082 Sidewalk Vendors:

8.12.082 Sidewalk Vendors.

(1) Conducting a Business on City Sidewalks is Unlawful without a Permit.

No person shall conduct business as herein defined on any City sidewalk without first obtaining a permit from the City Administrator and paying the required fee. It shall be unlawful for any person to sell any goods or services on any sidewalk within the City of St. Helens except as provided by these rules.

(2) Definitions.

- (a) "City Administrator." City Administrator means the person holding the position of City Administrator or any agent, employee, or designee authorized to perform the duties of this chapter by the City Administrator.
- (b) "Commercial zone." Commercial zone means abutting property which is zoned Commercial pursuant to Municipal Code Chapter 17 Community Development Code, of this Code or any other zone which may be created as a successor zone to such existing commercial zones.
- (c) "Conduct business." Conduct business means the act of selling or attempting to sell services, or edible or non-edible items for immediate delivery.
- (d) "Permit operating area." Permit operating area means the sidewalk from the midpoint of one block face to the midpoint of an adjacent block face.
- (e) "Sidewalk." Sidewalk means that portion of the right of way between the curb lines or the lateral lines of a roadway (paved improvement) and the adjacent property line intended for the use of pedestrians.
- (f) "Special event." Special event means an event specifically approved by an individual ordinance or permit granting use of street and sidewalk areas within a specifically defined area for a period of time not exceeding 10-days.

(3) Items for Sale.

- (a) All items or services to be sold must:
 - (i) Be vended from a regulation size vending cart;
 - (ii) Not lead to or cause congestion or blocking of pedestrian traffic on the sidewalk;
 - (iii) Involve a short transaction period to complete the sale or render the service;
 - (iv) Not cause undue noise or offensive odors;
 - (v) Be easily carried by pedestrians.

Requests to have an item or service considered for approval shall be submitted in writing to the City Administrator who shall determine whether the item or service conforms to the above criteria. If the item or service conforms to the above criteria, it shall be listed as approved for sale by sidewalk vendors. If the item or service does not conform, it shall be listed as prohibited for sale by sidewalk vendors. The decision of the City Administrator if adverse to the applicant's request, may be appealed to the Council.

(4) Permit Fee.

Each application for a permit to conduct business on a sidewalk shall be accompanied by a fee as set forth by resolution. The application fee is nonrefundable and additional to the permit

fee. The permit fee, as set by resolution, shall be collected prior to issuance of the permit. Permits renewed prior to expiration do not require an application fee. Permits renewed after the expiration will be treated like a new application. Application for a permit to conduct business on a sidewalk shall be made at the office of the City Administrator on a form deemed appropriate by the City Administrator. Such application shall include but not be limited to the following information:

- (a) Name and address of the applicant.
- (b) The number and expiration date of applicant's City business license.
- (c) Type of items sold or services rendered. Individual applications shall be accepted for one type of product or service only.
- (d) A valid copy of all necessary permits required by State or local health authorities
- (e) A signed statement that the permittee shall hold harmless the City of St. Helens, its officers and employees and shall indemnify the City of St. Helens, its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit. Permittee shall furnish and maintain such public liability, food products liability, and property damage insurance as will protect permittee, property owners, and 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 \$100,000 for bodily injury for each person, \$300,000 for each occurrence and not less than \$300,000 for property damage per occurrence. Such insurance shall be without prejudice to coverage otherwise existing therein, and shall name as additional insured the City of St. Helens, their officers and employees, and shall further provide that the policy shall not terminate or be canceled prior to the completion of the contract without 30-days written notice to the City Administrator of the City of St. Helens.
- (f) Means to be used in conducting business including but not limited to a description of any mobile container or device, to be used for transport or to display approved items or services.
- (g) A separate application shall be required for each mobile container or device to be used for transportation or display.
- (h) The proposed location for conducting business and the written consent of the property owner(s) adjacent to the permit operating area, along with a signed statement that permittee shall hold harmless the adjacent property owner(s) for any claims for damage to property or injury to persons which may be occasioned by any activity carried on or under the permit. This consent and hold harmless statement must be submitted on a form deemed appropriate by the City Administrator. No application shall apply to more than one location. No application will be accepted for a permit operating area within which a current permit has been issued or an application is pending.
- (i) No food vendor application will be accepted for a permit operating area where a restaurant or fruit and vegetable market, with direct access to the sidewalk, is adjacent or within 100-feet on the same block. No application will be accepted for a flower vendor for a permit operating area where a flower shop, with direct access to the sidewalk, is adjacent or within 100-feet on the same block. The above requirement may be waived if the application is submitted with the written consent of the proprietor of the restaurant, fruit and vegetable market or flower shop. The consent must be submitted on a form deemed appropriate by the City Administrator.

(5) Location Selection.

- (a) Permit operating areas which have not been issued a current permit shall be available only upon receipt of the written consent of the property owner(s) adjacent to the permit operating area.
- (b) No vendor or vending business may obtain permits for adjacent permit operating areas on the same block.
- (c) The City Administrator may establish an additional permit operating area on a block face which exceeds 300-feet in length.

(6) Location Review.

Upon receipt of an application for a permit the City Administrator shall review the proposed permit operating area to determine if the said area is suitable for sidewalk vending. In making this determination, the City Administrator shall consider the following criteria:

- (a) The permit operating area must be within a commercial zone.
- (b) The use of the permit operating area for sidewalk vending must be compatible with the public interest in use of the sidewalk areas as public right of way. In making such determination the City Administrator shall consider the width of sidewalk, the proximity and location of existing street furniture, including, but not limited to, signposts, lamp posts, parking meters, bus shelters, benches, phone booths, street trees, and newsstands, as well as, the presence of bus stops, truck loading zones, taxi stands, or hotel zones to determine whether the proposed use would result in pedestrian or street congestion.
- (c) The City Administrator shall inform the applicant whether the proposed permit operating area is suitable or unsuitable. In the event the applicant is dissatisfied with the City Administrator's decision regarding a certain application, the applicant may appeal the decision to the Councilor in charge. The decision of the Councilor, if adverse to the applicant or any notified party, may be appealed to the City Council. Appeals to the Council shall be in writing and submitted with the appeal fee as set forth by resolution, to cover staff's time in preparing a report. Appeals shall be heard at the Council's work session as time permits.

(7) Payment for Written Consent is Unlawful.

- (a) No person or corporation shall either pay or accept payment for written consent required for the issuance or continued operation of a sidewalk vending permit.

(8) Design Review.

The applicant for a sidewalk vendor permit shall submit detailed scale drawings of the device to be used, material specifications, and an isometric drawing of at least two views showing all four sides of the vending device. Vending devices shall be measured by the City Administrator prior to the issuance of a permit or the renewal of a permit to ensure compliance with this Chapter.

(9) Fire Marshal Inspection.

Prior to the issuance of any permit, the Fire Marshal shall inspect and approve any mobile device or pushcart to assure the conformance of any cooking or heating apparatus with the provisions of the City Fire Code.

(10) Application Time Limit.

The applicant must complete all reviews, inspections and present all required documents to the City Administrator within 60 days from date of location approval. Failure to meet this requirement shall result in cancellation of the application and forfeiture of the application fee. The City Administrator may extend this time limit, upon written request, if there is a reasonable need.

(11) Form and Condition of Permit.

The permit issued shall be in a form deemed suitable by the City Administrator. In addition to naming the permittee and other information deemed appropriate by the City Administrator, the permit shall contain the following conditions:

- (a) Each permit will expire at midnight on the 365th day after the permit was issued.
- (b) The permit issued is not transferable in any manner.
- (c) The permit is valid only when used at the permit operating area designated on the permit. The permit operating area may be changed by submitting a new letter of consent accompanied by an additional application fee.
- (d) The permit is valid for one cart only.
- (e) The location within the permit operating area may be changed, either temporarily or permanently, by written notice of the City Administrator.
- (f) The permit is subject to the further restrictions of this Chapter.
- (g) The permit as it applies to a given permit operating area may be suspended by the Council for a period up to 10-days when an ordinance providing for a "community event" shall so provide.

(12) Renewal of Permits.

Permits must be renewed prior to expiration, and a renewal application must be completed and signed by the applicant, and submitted to the City Administrator at least 30-days prior to expiration. Application shall be on a form deemed suitable to the City Administrator, accompanied by a permit fee. Applications received after their expiration shall be processed as new applications. The City Administrator shall review each application to determine that:

- (a) Any required consent has not been withdrawn.
- (b) The applicant has a currently effective insurance policy in the minimum amount provided in Section (4)(e) above.
- (c) All required permits are current.
- (d) The cart size is in conformance with this Section. If the City Administrator finds that the application meets all the above requirements, a new permit may be issued.

(13) Restrictions.

(a) Any person conducting business on the sidewalks of the City of St. Helens with a valid permit issued under this Chapter may transport and/or display approved items or services upon any mobile device or pushcart, under or subject to the following conditions:

- (i) The operating area shall not exceed 24-square feet of sidewalk which shall include the area of the mobile device or pushcart, and, when externally located, the operator and trash receptacle.
- (ii) The length of the mobile device or pushcart shall not exceed 6-feet.
- (iii) The height of the mobile device or pushcart, excluding canopies, umbrellas, or transparent enclosures, shall not exceed 5-feet.

- (b) No person may conduct business on a sidewalk in any of the following places:
 - (i) Within 10-feet of the intersection of the sidewalk with any other sidewalk except that the City Administrator may waive this restriction in writing for any location upon finding that construction of extra-width sidewalks makes such use consistent with the standards established by Section (6).
 - (ii) Within 8-feet of the adjacent property line.
 - (iii) Within 10-feet of the extension of any building entrance or doorway, to the curbline.
 - (iv) Within 10-feet of any handicapped parking space, or access ramp.
- (c) All persons conducting business on a sidewalk must display in a prominent and visible manner the permit issued by the City Administrator under the provisions of this Chapter and conspicuously post the price of all items sold.
- (d) All persons conducting business on a sidewalk must pick up any paper, cardboard, wood or plastic containers, wrappers, or any litter in any form which is deposited by any person on the sidewalk or street within 25-feet of the place of conducting business. Each person conducting business on a public sidewalk under the provisions of this Chapter shall carry a suitable container for placement of such litter by customers or other persons.
- (e) All persons conducting business on a sidewalk shall obey any lawful order of a police officer to move to a different permitted location to avoid congestion or obstruction of the sidewalk or remove their vending cart entirely from the sidewalk if necessary to avoid such congestion or obstruction.
- (f) No person shall conduct business as defined herein at a location other than that designated on their permit.
- (g) No permittee shall make any loud or unreasonable noise of any kind by vocalization or otherwise for the purpose of advertising or attracting attention to their wares.
- (h) No permitted cart or device shall be left unattended on a sidewalk nor remain on the sidewalk between midnight and 6:00 a.m.
- (i) No permittee shall conduct business in violation of the provisions of any ordinance providing for a special event.

(14) Special Event Designation.

The special event designation allows vendors to conduct business on City sidewalks at special events that the City Administrator shall so designate, subject to the following conditions:

- (a) Application shall be made to the City Administrator on a form deemed appropriate by the City Administrator. Each application shall apply to only one event or parade. Application is open to any vendor who possesses a valid sidewalk vending permit. Each application shall be accompanied by:
 - (i) A fee as set by resolution.
 - (ii) The proposed location for conducting business along with the temporary written consent of the property owner(s) adjacent to the permit operating area. This temporary consent must be on a form deemed appropriate by the City Administrator. No application will be accepted for a permit operating area within which a permit has been issued or an application is pending.
- (b) Application must be made at least five working days prior to an event to qualify for participation.
- (c) All temporary locations shall be on side streets adjacent to the event or parade.

- (d) Temporary locations are valid only for the date and hours specified by the City Administrator.
- (e) All other conditions of this Chapter, except as herein stated, shall remain in effect.

(15) Denial, Suspension or Revocation of Permit.

- (a) The City Administrator may revoke or suspend the permit, or deny either the issuance or renewal thereof, of any person to conduct business on the sidewalks of the City of St. Helens if he finds:
 - (i) That such person has violated or failed to meet any of the provisions of this Chapter;
 - (ii) That the cart operation has become detrimental to surrounding businesses and/or the public, due to either appearance or condition of the cart;
 - (iii) Any required permit has been suspended, revoked or canceled; or
 - (iv) The permittee does not have a currently effective insurance policy in the minimum amount provided in this Chapter.
- (b) Upon denial, suspension or revocation, the City Administrator shall give notice of such action to the permit holder or applicant, as the case may be, in writing stating the action he has taken and the reasons therefore. If the action of the City Administrator is a revocation based on Subsections (a)(iii) and (a)(iv) of this Section, the action shall be effective upon giving such notice to the permittee, otherwise such notice shall contain the further provision that it shall become final and effective within 10-days. Any revocation effective immediately may also be appealed to the Council by such filing within 10-days. Any revocation, suspension or denial may be appealed to the City Council by filing a written notice of appeal with the City Administrator within 10-days of receipt of notification.

(16) Appeal.

The City Recorder shall place the appeal on the Council calendar at the first convenient opportunity therefor and shall notify the City Administrator thereof. At the hearing upon appeal, the Council shall hear all witnesses including the City Administrator or their representative who shall state the grounds for this action, and the applicant or person whose permit has been revoked or suspended may supply testimony in writing by witnesses or otherwise and may question witnesses on their own behalf or on behalf of the City. The Council shall hear and determine the appeal and the decision of the Council shall be final and effective immediately.

(17) Penalties.

A violation of any of the provisions of this Chapter or the rules, regulations, or restrictions in the permit or permit application shall constitute a Class C misdemeanor. In the event that any provisions of this Chapter are violated by a firm or corporation, the officer or officers, or the person or persons responsible for the violation shall be subject to the penalty herein provided.

(18) Abatement.

The placement of any cart or device on any sidewalk in violation of the provisions of this Chapter is declared to be a public nuisance. The City Administrator may cause the removal of any cart or device found on a sidewalk in violation of this Chapter and is authorized to store such cart or device until the owner thereof shall redeem it by paying the removal and storage charges therefore to be established by the Council. If further abatement is necessary, the City shall follow procedures as outlined in Chapter 8.12 Article V Abatement Procedure.