



CITY OF SHERWOOD

Outdoor Seating Permit (For Use of City Right-of-Way) Application Packet and Rules



City of Sherwood

Outdoor Seating Permit Application



Applicability: Intended for businesses seeking authorization for long term and on-going outdoor seating in City right-of-way (i.e. sidewalks and on-street parking spaces). It is not a “Special Event Permit” associated with a short term/limited duration event. “Outdoor seating” refers to use of City right-of-way for service of prepared food and/or beverages or seating for patrons of a business by a business licensed to provide such services.

INSTRUCTIONS FOR COMPLETING THE OUTDOOR SEATING PERMIT APPLICATION

Careful completion of this application will help avoid delays in processing. Applicants should follow all instructions, provide clear and accurate information, and submit all required supporting documentation with the application. Please complete the following:

1. Review the *Outdoor Seating Program Rules*.
2. Complete the Outdoor Seating Permit Application.
3. Submit a Site Plan (NEW APPLICANTS OR CHANGES TO PREVIOUSLY APPROVED PLANS).
4. Obtain a Certificate of Insurance from your insurer. The Certificate must:
 - a. State the limits of liability are as follows:
 - General Liability of \$2,000,000 for death or bodily injury and property damage;
 - Personal of \$2,000,000
 - Per Occurrence of \$2,000,000
 - Fire Insurance of \$50,000
 - b. Name the City of Sherwood, its Elected and Appointed Officials, Officers, Agents, Employees, and Volunteers as Additional Insured.

THE CITY WILL NOT ACCEPT ANY CERTIFICATE OF INSURANCE WITHOUT THE ADDITIONAL INSURED LANGUAGE.

5. Submit **completed** Outdoor Seating Permit Application, all additional required materials, and the application fee to:

City of Sherwood Community Development Department
ATTN: Community Development Director
22560 SW Pine Street
Sherwood, OR 97140
Phone: (503) 925-2308 **Email:** planning@sherwoodoregon.gov

Please make a copy of all submitted materials for your records.

INCOMPLETE APPLICATIONS WILL BE RETURNED TO THE APPLICANT FOR COMPLETION. APPLICANTS MAY BE CHARGED FOR EXTRA TIME SPENT ON FOLLOW-UPS FOR INCOMPLETE OR INADEQUATE INSURANCE SUBMISSIONS.

After submitting all forms, your application will be sent to departments and agencies necessary to ensure your requested use of City right-of-way can be accomplished in accordance with the criteria, including but not limited to Public Works, Police, and TVF&R. You will be notified if the permit has been approved. Do not assume that all aspects of the proposed use of City right-of-way will be approved; you may be asked to make some changes to your plan, therefore, you are encouraged not to make any other arrangements until approval from the City has been received.

City of Sherwood
Outdoor Seating Permit Checklist



NEW APPLICANT (NON-RENEWAL)

To apply for an Outdoor Seating Permit, please complete and submit the following.

The following MUST be completed and submitted with the permit application:

- I. Complete Application (must be signed and dated).
- II. Attached Site Plan.
- III. Certificate of Liability Insurance & Insurance Policy (Must Include Additional Insured information).
- IV. Oregon Liquor Control Commission (OLCC) permits (If alcohol use is planned in the public right-of-way).
- V. Tents must be approved by Tualatin Valley Fire and Rescue (TVF&R) prior to applying for an Outdoor Seating Permit. The exception to this requirement is any pop-up tent under 400 sq. ft. A pop-up tent is defined as a small, portable tent that is easy to assemble, with a collapsible frame that springs into functional position.

RENEWAL CHECKLIST

To renew an Outdoor Seating Permit, please complete and submit the following.

- I. Complete Application (must be signed and dated).
- II. Attached Site Plan.
- III. Certificate of Liability Insurance & Insurance Policy (Must Include Additional Insured information).
- IV. Oregon Liquor Control Commission (OLCC) permits (If alcohol use is planned in the public right-of-way).

City of Sherwood

Outdoor Seating Permit Application



APPLICATION DATE RCV'D _____ ☼ COMPLETE ☼ INCOMPLETE
FEE ☼ \$165 (+5%) OR ☼ \$0 RENEWAL application with no change in previous site plan

THIS FORM MUST BE COMPLETED IN FULL.

Please type or print legibly. Incomplete applications will not be processed. Submit the completed application with all of the applicable items on the materials checklist. Applicants are encouraged to use Sherwood maps or another electronic mapping tool for the plan.

GENERAL INFORMATION

Outdoor Seating Type (check ***all*** that apply)

- Use of sidewalk adjacent to Old Town business for dining or patron seating purposes.
- Use of on-street parking adjacent to Old Town business for dining or patron seating purposes.

Name of Business:

Sherwood Business License number:

Business Physical Address:

Main Contact:

Phone:

Email:

Proposed **start** date of outdoor dining or patron outdoor seating:

Anticipated hours and days of outdoor dining or patron outdoor seating:

Brief description of the proposal (i.e. square footage, seating capacity, etc.):

ANNUAL RENEWAL (\$0 FEE)

- Complete Application if no change to previous Site Plan (must be signed and dated).
- Certificate of Liability Insurance & Insurance Policy (Must Include Additional Insured information).
- If alcohol use is planned in the public right-of-way, submit all Oregon Liquor Control Commission (OLCC) permits with your application.

NEW APPLICATION (\$165 + 5% TECHNOLOGY FEE)

- Complete Application (must be signed and dated).
- Certificate of Liability Insurance & Insurance Policy (Must Include Additional Insured information)
- If alcohol use is planned in the public right-of-way, submit all Oregon Liquor Control Commission (OLCC) permits with your application.
- Tents must be approved by Tualatin Valley Fire and Rescue (TVF&R) prior to applying for an Outdoor Seating Permit. The exception to this requirement is any pop-up tent under 400 sq. ft. A pop-up tent is defined as a small, portable tent that is easy to assemble, with a collapsible frame that springs into functional position.
- A detailed site plan that demonstrates compliance with the applicable rules listed below. At minimum, the site plan must be drawn to scale and show:
 - Business frontage width along street.

- Sidewalk width.
- On-street parking location and width.
- If proposing to use on-street parking spaces, proposed location and style of barriers.
- Street name/address of business.
- Existing public infrastructure including trash cans, benches, signs, hydrants, storm drains, etc.
- Location of ADA parking and ADA ramps.
- Proposed location of tables, chairs, and related items.
- Location of any proposed tents or structures with sufficient detail to confirm the tent standards (listed below) are met.
- Other related components not listed above (e.g. special equipment etc.).

Applicable rules for on-street parking space usage

I. PLACEMENT:

- a. Outdoor Seating Permits allow for use of a maximum of two parking spaces directly in front of the applicant business. If one or both of the two parking spaces are in front of an adjacent business, written permission from the adjacent business owner must be obtained and included with the application.
- b. All outdoor dining materials must be placed:
 - i. A minimum of 20 feet from a crosswalk or a stop sign.
(Note: Overhead structures will need to be located further from a stop sign. See Overhead Structures below.)
 - ii. A minimum of 10 feet from a fire hydrant.
 - iii. Without blocking drive aisles or fire lanes.
 - iv. Without covering storm drains or water and gas valves in the street. In circumstances where this is impractical, the City Engineer will review and may approve on a case-by-case basis if the applicant can show that the placement will not pose a safety risk and will not unreasonably limit access.

II. PLATFORMS: All on-street parking spaces that abut a curb and will be used for outdoor dining must include a deck that meets the following requirements:

- a. Must bring the floor height level with the height of the public sidewalk.
- b. Must be constructed in a way that does not disturb the public right-of-way and must rest above-ground.
- c. Must have a railing.
- d. Must be designed to allow for proper draining.
- e. Applicants are required to obtain stamped drawings of all structural components from a structural engineer, including decking and railing details.

III. OVERHEAD STRUCTURES: Overhead structures will be allowed if they meet the following requirements:

- a. Overhead structures must be constructed of wood, steel, outdoor-grade fabric, umbrellas, metal panels, corrugated plastic, or be properly weighted temporary weather protection such as tents or canopies.
- b. Any side panels between the required railing and the bottom of the overhead structure must be clear.
- c. Applicants are required to obtain stamped drawings of all structural components from a structural engineer, including decking and railing details.
- d. Overhead structures are not permitted within the first permissable space next to a stop sign.
- e. In circumstances where the structure will block a street sign, the City Engineer will review the design and may approve based on a case-by-case basis if the applicant can show that the placement will not pose a safety risk.
- f. Overhead structures may not be permanently affixed to the ground and shall not cause damage to any portion of the right-of-way including the roadway or sidewalk.

IV. HEATING AND ELECTRICAL: Use of heaters are permitted, with approval from Tualatin Valley Fire & Rescue (TVF&R). Electricity, if used must be that of the business and not utilize the outlets in the City Right of Way.

Applicable rules for sidewalk usage

- I. **PLACEMENT:** An Outdoor Seating Permit may only allow use of sidewalk space within the width of the applicant's sidewalk-facing storefront. Sidewalk seating may never obstruct the 5' Clear Pedestrian Zone for a given sidewalk width. This means a straight 5' path is needed down an entire sidewalk block, and no seating is allowed in this area.
- II. **STRUCTURES:** Sidewalk space may not have any fixtures that disturb the sidewalk material, and all components must be above-ground. No overhead structures or canopies, aside from outdoor-grade fabric umbrellas, are permitted.
- III. **HEATING AND ELECTRICAL:** The only lighting permitted to be used in sidewalk areas is battery-operated, tabletop lighting such as tea lights or similar used atop dining tables. Heaters may be allowed if approved by Tualatin Valley Fire & Rescue (TVF&R).

Applicable rules for Tents

- I. For tents near intersections, the tent must be placed so as not to interfere with driver's sight distance.
- II. The maximum combined tent coverage area is 700 square feet.
- III. All tents must be fire retardant and fire rated.
- IV. All tents must have a minimum of 8' clearance between the lowest point of the tent roof and the ground.
- V. No staking of tents is permitted in public right-of-way.
- VI. All tent legs must be weighted as below or as otherwise recommended by manufacturer/installer:
 - Each leg must have a minimum of 40lbs of weight.
 - Ropes and straps must be in good repair and of sufficient strength rating.
 - Bungee and rubber straps are prohibited.
 - Weights must be on the ground and not dangling.
 - Weights and lines must not pose a hazard and must be clearly visible.
 - Items that make acceptable weights:
 - 5-gallon bucket full of water, sand, or concrete.
 - 4" PVC pipe at least 36" long filled with concrete.
 - Large commercially available tent weights.
 - Sandbags or salt bags 40lbs or heavier.
- VII. Tents must be secured as soon as they are put up and brought down as soon as weight is removed. Do not leave unsecured tents in place at any time.
- VIII. Smoking is prohibited under tents.
- IX. The tent shall not block fire hydrants, storm drains, manholes, catch basins, or other similar infrastructure improvements.
- X. No connection of the tent to any water, sanitary, or storm sewer utility shall be allowed.
- XI. Tents shall not obstruct pedestrian connections.
- XII. During permit review, tents may be subject to additional requirements for public safety by the City and TVF&R.

General Rules (applies to all permits)

- I. **MATERIALS:** The permit holder is solely responsible for the costs all equipment, materials, barricades, and signage as is required for compliance to this program.
- II. **MAINTENANCE:** Permittee shall maintain the permitted area, and all areas immediately adjacent to the permitted area, in a good, clean and safe condition. Upon the expiration of the permit, Permittee shall remove all personal property from the permitted area.
- III. **INSPECTION:** The City may inspect all permitted areas for compliance with permit requirements and for safety at any time.
- IV. **RIGHT-OF-WAY:** This program only allows use of City of Sherwood right-of-way; right-of-way owned by other jurisdictions is not eligible for use under this program. Only sidewalks and on-street parking spaces may be used; no other portions of City right-of-way (e.g. vehicular travel lanes) may be used.

Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for the permit I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request. I understand I am responsible for obtaining annual renewal of the Outdoor Seating Permit and if not obtained, I will remove all permitted items from the right-of-way immediately upon expiration of the permit.

I agree, if approved, to comply with all permit conditions, and understand that failure to comply with any condition, or any violation of law, may result in the immediate revocation of the permit, forfeiture of deposit, denial of future permits, criminal prosecution and/or administrative citation (s), and fines. I HEREBY ACKNOWLEDGE RESPONSIBILITY FOR PENALTIES ASSOCIATED WITH NON-COMPLIANCE WITH THE PERMIT CONDITIONS, WHETHER OR NOT I AM PRESENT AT THE TIME OF THE VIOLATION.

Applicant's Signature

Date

Owner's Signature

Date

CONSENT AND LIABILITY

_____ (print name of applicant business) ("Business") shall defend, indemnify, and hold harmless City and its officers, agents, volunteers, and employees against any and all liability, settlements, loss, damage, costs, and expenses (including attorney's fees and witness costs at both trial and on appeal, whether or not a trial or appeal ever takes place, including any hearing before federal or state administrative agencies) arising from or in connection with any action, suit, demand, or claim resulting or allegedly resulting from, attributable in whole or in part to, or in any way connected with Business's and Business's officers', agents', volunteers', and employees' acts, omissions, activities, or services in the course of using the City's right-of-way, to the fullest extent permitted by law, and except to the extent otherwise void or unenforceable under ORS 30.140. Business's activities are deemed to include those of subcontractors. The City may, at any time at its election assume its own defense and settlement in the event that it determines that Business is not adequately defending the City's interests, or that an important governmental principle is at issue, or that it is in the best interests of the City to do so. If any aspect of this indemnity is found to be illegal or invalid for any reason whatsoever, such illegality or invalidity does not affect the validity of the remainder of this indemnification. Business further agrees to be solely liable for the cost of any damage to property, including but not limited to public infrastructure, caused by its use of City right-of-way. The rights and obligations in this section will survive the termination or revocation of any associated permit, regardless of cause.

Name of Business Owner _____

Signature _____ Date _____

Please submit your completed form and all additional required materials and payment to:
City of Sherwood Community Development Department
ATTN: Community Development Director
22560 SW Pine Street
Sherwood, OR 97140
Phone (503) 925-2308