

ORDINANCE NO. 1333

AN ORDINANCE AMENDING CANBY MUNICIPAL CODE SECTION 5.12.020 ESTABLISHING AN ANNUAL SIDEWALK VENDOR PERMIT FEE AND SECTION 5.12.030 REGARDING THE PERMIT APPLICATION.

WHEREAS, Canby Municipal Code (CMC) Chapter 5.12 establishes a permitting process for sidewalk vendors that wish to operate with the City of Canby; and

WHEREAS, CMC 5.12.020 establishes a fee for a sidewalk vendor's permit, but does not state that the fee is an annual fee and the Council wishes to clear up any misunderstanding regarding this issue;

WHEREAS, CMC 5.12.030, establishes a procedure to follow for applying for a sidewalk vending application, but contains language that is outdated; now therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. Canby Municipal Code Section 5.12.020 shall be amended as follows:

(Added text is illustrated below in **red underlined font.**)

5.12.020 **Permit** License required; fee.

No person shall conduct business as defined in this chapter on any city sidewalk without first obtaining a ~~sidewalk vendor's business license from the office of the City Recorder,~~ **a sidewalk vending permit**, and paying the required **sidewalk vending permit** fee **to** the office of the City Recorder. **Fees are annual and shall be payable upon the business license renewal date.** It is unlawful for any person to sell any goods on any sidewalk within the city except as provided by this chapter.

Section 2. Canby Municipal Code Section 5.12.030 shall be amended as follows:

5.12.030 **Permit** License application.

A. Application for a **permit** license to conduct business on a sidewalk shall be made at the office of the City Recorder on a form deemed appropriate by the City Recorder. This application shall include but not be limited to the following information:

1. Name and address of the applicant;

2. Type of items sold. Individual applications shall be accepted for **one** † type of product;

3. A valid copy of all necessary **licenses or** permits required by state or local health authorities; ~~including business name registration with the state;~~

4. A signed **Indemnity Agreement stating** ~~statement~~ that the permittee shall hold harmless the city, its officers and employees, and shall indemnify the city, 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;

5. The permittee shall furnish and maintain this public liability, food products liability and property damage insurance as will protect permittee, property owners 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 there with. This insurance shall provide coverage of not less than **\$1,000,000.00** ~~\$100,000~~ for bodily injury **and property damage for each occurrence** ~~for each person, \$300,000 for each occurrence~~ and not less than **\$1,000,000.00** ~~\$100,000~~ **in the aggregate.** ~~for property damage per occurrence.~~ **The permittee shall provide the City with a Certificate of Liability Insurance.** This insurance shall be without prejudice to coverage otherwise existing therein; 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 completion of the contract without 30 days' written notice to the **City** Recorder of the city;


~~6. 5.~~ 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; and

~~7. 6.~~ The proposed location for conducting business, along with a signed statement that the 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 under the permit. No application shall apply to more than **one** † location. Location must be approved by the City Administrator.

B. A separate **sidewalk vending permit** application **and fee** shall be required for each mobile container or device to be used for transportation or display.

C. No food vendor application will be accepted for a location 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 location 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 Recorder.


SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, July 7, 2010, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, July 21, 2010, commencing at the hour of 7:30 p.m. in the Council Chambers located at 155 N.W. 2nd Avenue, Canby, Oregon.


Kimberly Scheafer, CMC
City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 21st of July 2010, by the following vote:

YEAS 5

NAYS 0


Melody Thompson, Mayor

ATTEST:


Kimberly Scheafer, CMC
City Recorder