

## **City of Coos Bay**

### **Resolution 13-02**

#### **A RESOLUTION OF THE CITY OF COOS BAY, COOS COUNTY, OREGON, REGULATING TRANSIENT BUSINESS ON SPECIFICALLY DESIGNATED CITY-OWNED PROPERTY AND PUBLIC RIGHT OF WAYS**

WHEREAS, the City of Coos Bay adopted Ordinance No 451 on February 19, 2013, which defined "transient business," Coos Bay Municipal Code Chapter 5.05, as a business which shall be conducted on specifically designated city-owned property and public right of ways. The specifically designated city-owned property is as follows: Boardwalk, Pedway, Visitor Information Center and Hollering Place Wayside.

WHEREAS, authorization to conduct "transient business" on public right of ways or on the specifically designated city-owned property controlled by the City of Coos Bay, does not extend to city parking lots, or other public properties, nor does it extend to public property under the control of other public agencies such as the Oregon Department of Transportation (US Highway 101) or the Coos Bay School District or other agencies.

WHEREAS, transient business shall be conducted in accordance with the following conditions or specifications.

1. All local and state licenses must be obtained prior to operating a transient business. This includes a Business License, which must be renewed annually, and a Right of Way Use Approval which will remain valid as long as the business license does not expire.
2. When operating adjacent to, or on a sidewalk, a minimum unobstructed pedestrian passage area of 36 inches must be maintained at all times; avoid creating safety hazards for pedestrians and vehicles.
3. All transient businesses must be self-contained. The discharge of gray water or grease on site, or in a city storm drain, is prohibited. No electrical cords, ropes or other devices that may constitute a trip and fall hazard shall extend across any sidewalk or pedestrian-way.
4. Occasionally, the city issues permits for festivals and parades. Such permits shall supersede the use of the right of way for a transient business within the area subject to the event permit and within 300 feet or a city block, whichever is greater, of the area subject to the event permit unless separate approval has been granted by the event operator.
5. Business shall not be conducted in any area of the City which is predominantly residential. However, transient businesses, such as ice cream trucks, may make sales in residential districts as long as they are not in one location for more than 15 minutes.
6. A transient business shall not be within 10 feet of the entrance of a building where business is being conducted. A transient business shall not be conducted within 50 feet of the following: any restaurant, if selling food; a flower shop, if selling flowers, etc.
7. All areas around the business activity must be kept in a neat and orderly condition, free of debris and litter generated by business activities or patrons. The vendor

must provide a litter receptacle for use by their patrons at the site where business is taking place and all trash must be removed upon departing the site. All transient business carts must be removed when the vendor is no longer operating/selling their goods.


8. There shall be no sale or consumption of alcoholic beverages at any time on public property or right of way.
9. At all times during the conduct of business a motorized vendor vehicle must be legally parked; the motorized vendor vehicle shall not be parked on the sidewalk, the Boardwalk, or the Pedway, obstruct a pedestrian way or a driveway, or create any type of hazard. Sales from a motorized vendor must be from curbside.
10. In order to eliminate fire hazard, propane or combustible fuel of any type are not permitted on the Boardwalk.
11. One sandwich board type sign may be placed on the right of way adjacent to the transient business, subject to the 36-inch clearance indicated above.
12. Transient businesses, motorized or non-motorized, are not permitted to conduct business on US Highway 101.
13. Transient businesses shall not locate on the Boardwalk in such a manner as to block the view of the water for the pedestrians using the Boardwalk.
14. Provide the City of Coos Bay with the following certificates of insurance:
  - a. Automobile liability (if a motorized vehicle).
  - b. Comprehensive General Liability with limits of not less than \$1 million and listing the City of Coos Bay as an additional insured.
15. City staff is authorized to enforce the above conditions. Failure to comply with any of the above listed conditions when operating on property or rights of way controlled by the city of Coos Bay will result in the revocation of your business license and a fine of up to \$500.


WHEREAS, on February 19, 2013 the City Council approved the designated city-owned property and public right of ways for transient business and the above referenced conditions and specifications.

NOW, THEREFORE, BE IT RESOLVED, that this Resolution shall confirm the use, transient business, on specifically designated city-owned property and public right of ways pursuant to the conditions or specifications listed above.

The foregoing resolution was duly adopted by the City Council of the City of Coos Bay, Coos County, Oregon this 19<sup>th</sup> day of February 2013.

ATTEST:

  
Susanne Baker, Recorder

  
Crystal Shoji, Mayor