

ADMINISTRATIVE ORDER NO. 56-25-02
of the
City Manager of the City of Eugene

**REGARDING THE OPPORTUNITY TO COMMENT ON A PROPOSAL
TO AMEND THE PRIVATE COMMERCE ON PUBLIC PROPERTY FEE
SCHEDULE.**

The City Manager of the City of Eugene finds as follows:

A. Section 2.020 of the Eugene Code, 1971, authorizes the City Manager to determine and set fees and charges to be imposed by the City for services, goods, use of municipal property, and licenses and permits. Pursuant to that authority, on January 7th, 2005, Administrative Order No. 56-04-03-F was issued establishing the current Private Commerce on Public Property Fee Schedule (“the Fee Schedule”).

B. In determining whether to amend the Fee Schedule, in accordance with EC 2.020(2), I have considered the following factors: applicable policies, enactments and directives of the City Council; the amount charged for these services by the City in the past; the full costs of providing the services supported by the fees; the amounts charged by other comparable providers; and the revenue needs of the City as determined by the adopted City budget. See Exhibit C.

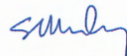
C. Based on my consideration of the factors listed above, I propose to replace the Fee Schedule with an updated Fee Schedule as set forth in the Notice attached as Exhibit A to this Order.

On the basis of these findings, I order that:

1. A copy of this Order with its exhibits shall be provided to the Mayor and City Councilors, and a Notice substantially conforming to the Notice attached as Exhibit A shall be made available to any persons who have requested such notice and posted at two locations at City Hall.

2. A Notice substantially conforming to the Notice attached as Exhibit B which contains those fees proposed to be \$250 or more shall be published in the Register Guard Newspaper.

Dated this 5th day of March, 2025.



Sarah Medary
City Manager

NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED CHANGES TO THE PRIVATE COMMERCE ON PUBLIC PROPERTY FEE SCHEDULE.

Pursuant to the provisions of Section 2.020 of the Eugene Code, 1971, and as a result of an investigation of the revenue needs of the City, the City Manager is proposing to amend the following fees in the Private Commerce on Public Property Fee Schedule. (Proposed amendments to the fee descriptions are shown with deletions in ~~red-strikethrough~~ and additions in blue underline.)

PRIVATE COMMERCE ON PUBLIC PROPERTY FEE SCHEDULE

	<u>Current Fees</u>	<u>Proposed Fees</u>
Application Fees (Std.1):		
<i>These fees apply to all activities conducted on public property within the City of Eugene. <u>Application fees are not refundable.</u></i>		
Stationary vending cart:		
Cart selling food/beverage	\$100.00	No change
Cart selling food/beverage - Renewal	\$25.00	No change
Cart selling other goods/services	\$100.00	No change
Cart selling other goods/services - Renewal	\$25.00	No change
Peddling Vendor:		
Peddling food/beverage.....	\$50.00	No change
Peddling food/beverage – Renewal.....	\$10.00	No change
Peddling other goods/services.....	\$25.00	No change
Peddling other goods/services – Renewal.....	\$5.00	No change
Sidewalk Vendor	\$50.00	No change
Sidewalk Vendor - Renewal.....	\$25.00	No change
Commercial Activity (Std. 2)	\$50.00	No change
Commercial Activity - Renewal.....	\$25.00	No change
Outdoor Café <u>and DAZ Café Seating</u>	\$100.00	\$200
Outdoor Café <u>and DAZ Café Seating</u> - Renewal	\$25.00	\$100
Downtown Activity Zone Pushcart	\$100.00	No change
Downtown Activity Zone Pushcart - Renewal.....	\$25.00	No change

	<u>Current Fees</u>	<u>Proposed Fees</u>
Activity, Event, or Performance (admission charged) (Std. 3)	\$50.00	No change
Activity, Event, or Performance - Renewal.....	\$25.00	No change
Outdoor Display	\$10.00	No change
Outdoor Display - Renewal.....	\$5.00	No change
 License Fees:		
<i><u>License fees are not refundable.</u></i>		
Stationary Vending Cart.....	6% of gross	No change
Downtown Activity Zone Pushcart	6% of gross monthly sales or monthly minimum of \$50 (Oct. 1 – May 31) and \$100 (June 1 – Sept. 30)	No change
Peddling Vendor.....	6% of gross sales	No change
Sidewalk Vendor	6% of gross sales	No change
Commercial Activity	6% of gross sales or monthly minimum of \$100 for extended activities (i.e. public markets)	No change
Outdoor Café	\$50/mo. for 5 or fewer tables. \$10/mo. for each additional table	<i>Discontinued</i>

	<u>Current Fees</u>	<u>Proposed Fees</u>
<u>Outdoor Café:</u>		
<u>Sidewalk</u>	<i>(\$50/mo. for 5 or fewer tables. \$10/mo. for each additional table)</i>	\$200 plus \$20 per linear foot of ROW occupied by the licensed activity/ year.
<u>In-Street Seasonal (May-October)</u>	N/A	\$300 plus \$30 per linear foot of ROW occupied by the licensed activity/ year.
<u>In-Street Annual</u>	N/A	\$300 plus \$50 per linear foot of ROW occupied by the licensed activity/ year.
<u>DAZ Café Seating</u>	<i>(previously Outdoor Café - \$50/mo. for 5 or fewer tables. \$10/mo. for each additional table)</i>	\$200 plus \$20 per linear foot of ROW occupied by the licensed activity/ year.
Activity, Event, or Performance (admission charged) (Std. 3):		
Broadway Plaza.....	\$250 an event per day	No change
Park Blocks	\$250 an event per day	No change

	<u>Current Fees</u>	<u>Proposed Fees</u>
Outside Sales by Abutting Merchant within Downtown Activity Zone	\$25 minimum; \$60 for 3 mos. if paid in advance	No change
Amplified Sound Permit.....	\$5.00 per occurrence	No change
Electrical hookup, 110V	\$7.50 per mo.	No change
Electrical hookup, 220V	\$10.00 per mo.	No change
Other Fees:		
Duplicate of previously issued license	\$25.00	No change
Review of additional products.....	\$25.00 each time reviewed	No change
Review of pushcart replacement or modifications	\$75.00	No change
Late Fee	\$25.00 for each month	No change
<i>Applies to pushcarts, vendors, outdoor cafes, outside sales, and other ongoing fee payments according to licenses and permits under this rule.</i>		

NOTE:

1. Activities, events, or performances which require street closures will require city block party permits.
2. City sponsored events and work of city public works or public utility companies are exempt from fees.
3. Parking is governed by the Eugene Code, 1971.
4. Vehicle access permits are not issued.

Std.1: The City or any entity with which the City contracts with for the administration of any private commerce on public property activities may waive the application and/or renewal fees providing:

- a. The fees are waived for all applicants of the same class or type of activity; and
- b. The waiver is in writing and states the specific fee(s) waived, and the time period to which it is applicable; and
- c. A copy of the waiver is provided to the City.

Std.2: Commercial activities which generate revenue for the producing/promoting organization or business through ticket sales, entrance fees, food, beverage or merchandise sales, or any other revenue producing activity.

Std.3: “Admission” means a monetary fee charged for the privilege of attending, observing, or participating in an activity, event, or performance occurring in or upon public pedestrian areas. Charging of admission prevents those persons who have not paid the monetary fee from entering the area in which the activity, event, or performance is occurring.

Comments on the proposed amendments may be submitted in writing to Dan Hinman, 99 W. 10th Ave., Eugene, Oregon 97401, or via e-mail to dhinman@eugene-or.gov. To be considered, written and e-mail comments must be received within 15 days from the date posting as indicated below. If the City Manager chooses to take action after considering the comments received, the proposed or modified fees will be adopted by administrative order.

Sarah Medary, City Manager

Date of Posting: March 23, 2025

NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED CHANGES TO THE PRIVATE COMMERCE ON PUBLIC PROPERTY FEE SCHEDULE.

Pursuant to the provisions of Section 2.020, and as a result of an investigation of the revenue needs of the City, the City Manager is proposing to amend the Private Commerce on Public Property Fee Schedule.

Fees proposed to be \$250 or greater are set out below. A full schedule of the proposed amendments can be reviewed at the City Hall bulletin board posting locations, 500 E. 4th Avenue, Eugene and on the City’s website at www.eugene-or.gov/520/Administrative-Order.

Current Fees Proposed Fees

License Fees:

License fees are not refundable.

Outdoor Café:

Sidewalk	<i>(\$50/mo. for 5 or fewer tables. \$10/mo. for each additional table)</i>	\$200 plus \$20 per linear foot of ROW occupied by the licensed activity/year.
In-Street Seasonal (May-October)	<i>N/A</i>	\$300 plus \$30 per linear foot of ROW occupied by the licensed activity/year.
In-Street Annual	<i>N/A</i>	\$300 plus \$50 per linear foot of ROW occupied by the licensed activity/year.

DAZ Café Seating	<i>(previously Outdoor Café - \$50/mo. for 5 or fewer tables. \$10/mo. for each additional table)</i>	\$200 plus \$20 per linear foot of ROW occupied by the licensed activity/year.
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Comments on the proposed amendments may be submitted in writing to Dan Hinman, 99 W. 10th Ave., Eugene, Oregon 97401, or via e-mail to dhinman@eugene-or.gov. To be considered, written and e-mail comments must be received within 15 days from the date posting as indicated below. If the City Manager chooses to take action after considering the comments received, the proposed or modified fees will be adopted by administrative order.

Sarah Medary, City Manager

Date of Publication: March 23, 2025

City Manager's Findings
Proposed Outdoor Café and Café Seating Fee Schedule Amendments

Pursuant to Section 2.020(2) of the Eugene Code, 1971, the City Manager has considered the following factors in determining the proposed Outdoor Café fee schedule amendments:

(a) Applicable policies, enactments and directives of the Council.

Findings: Section 2.020 of the Eugene, Code, 1971 authorizes the City Manager to determine and set fees and charges to be imposed by the City for services, goods, use of municipal property, and licenses and permits. Section 3.338 establishes the license requirement for commercial pursuits on public property and section 3.340 of the Eugene Code reaffirms the City Manager's authority to establish fees for said licenses.

(b) The amount charged by the City in the past.

Findings: For outdoor café seating on the sidewalk, the City of Eugene has charged \$50 per month for 5 or fewer tables and \$10 per month for each additional table. The City of Eugene has charged no fees for in-street café seating, which was authorized under a series of emergency orders adopted by the City Manager during and after the COVID-19 pandemic.

(c) The full costs of providing the service supported by the fee.

Findings: The proposed fees do not cover the full cost of providing this service. The intention of this fee structure, inside the Downtown Activity Zone, is to generate some revenue for other activities downtown with a public benefit, while encouraging business investment in downtown. The intention of this fee structure, outside the Downtown Activity Zone, is to generate some revenue to support the City's Curbside Services work, while encouraging business investment in downtown.

(d) The amounts charged by other comparable providers.

Findings: There are no comparable providers that issue permits for similar activities on public land within the City of Eugene; however, the cities of Portland, Oregon, and New York City charge the following fees for similar permits:

Portland fees:

Sidewalk Café (12 Months)
Application Fee: \$450
Permit Fee: \$350
Permit Area: \$9 per linear foot
Seasonal Street Seats (May- October)
Application Fee: \$450
Permit Fee: \$350
Permit Area: \$400 per parking space
Street Seats with Platform (Annual)

Application Fee: \$450
Permit Fee: \$350
Permit Area: \$750 per parking space
Street Seats with Platform and Roof (Annual)
Application Fee: \$750
Permit Fee: \$350
Permit Area: \$1000 per parking space

Insurance Review Fee - \$55
Permit Change Fee - \$150
Site Reinspection Fee - \$150
Design Exception Fee - \$150

New York City

Sidewalk Café

License Fee: \$1,050 (every 4 years)
Security Deposit: \$1,500
Public Hearing: \$100-\$800
Revocable Consent Annual Fee: \$6-\$31 per square foot (based on geographic zones)

Roadway Café

License Fee: \$1,050 (every 4 years)
Security Deposit: \$2,500
Public Hearing: \$100-\$800
Revocable Consent Annual Fee: \$5-\$25 per square foot (based on geographic zones)

(e) The revenue needs of the City as determined by the adopted city budget.

Findings: NA

Factors listed above that are irrelevant or inapplicable in determining the amount of the fees, if any:

The revenue from these permits is not budgeted for at this time and does not provide financial backing for any core services. Revenue from this program will initially be directed toward public space improvements.