

ADMINISTRATIVE ORDER NO. 56-25-01-F
of the
City Manager of the City of Eugene

**AMENDING AND REPLACING PRIVATE COMMERCE ON PUBLIC
PROPERTY ADMINISTRATIVE RULE R-3.336 ADOPTED BY
ADMINISTRATIVE ORDER NO. 56-17-02-F; AND REPEALING
ADMINISTRATIVE ORDER NO. 56-24-03.**

The City Manager of the City of Eugene finds that:

A. Pursuant to the authority contained in Sections 2.019 and 3.340 of the Eugene Code, 1971, the City Manager has adopted the Private Commerce on Public Property Administrative Rule R-3.336 ("the Rule"). The most recent changes to the Rule were adopted on July 12, 2017, by Administrative Order No. 56-17-02-F.

B. During the COVID-19 pandemic, the City Manager adopted a series of emergency orders allowing the City to issue temporary permits for outdoor seating within the public right-of-way, most recently by Administrative Order No 56-24-03. These temporary permits were issued to support restaurants and to allow patrons to socially distance. The City received positive feedback on the program from both patrons and businesses; therefore, on March 19, 2025, I issued Administrative Order No. 56-25-01 ordering that Notice be given of the opportunity to submit written comments on a proposal to amend the Rule to make the program permanent.

C. Notice of the proposed amendments to the Rule was given by making copies of the Notice available to any person who had requested such notice and by publication of the Notice in the Register Guard newspaper on March 23, 24, 25, 26, and 27, 2025, providing interested persons an opportunity to submit comments on the proposed amendments until the end of the day on April 7, 2025. The written comments received during the public comment period are addressed in the City Manager's Findings in Consideration of Written Submissions attached as Exhibit A to this Order.

On the basis of these findings, I order that:

1. Private Commerce on Public Property Rule R-3.336 is amended as set forth below as of the effective date of this Order.

2. The unamended provisions of Private Commerce on Public Property Rule R-3.336 adopted by Administrative Order No. 56-17-02-F are reaffirmed and incorporated into Private Commerce on Public Property Rule R-3.336 adopted by this Order.

3. Administration Order No. 56-17-02-F is superseded by this Administrative Order No. 56-25-01-F as of the effective date of this Order.

4. Administrative Order No. 56-24-03 is repealed as of the effective date of this Order.

5. The term of any temporary permits issued pursuant to Administrative Order No. 56-

24-03 is extended through June 30, 2025.

6. As of the effective date of this Order, the following is Private Commerce on Public Property Administrative Rule R-3.336:

PRIVATE COMMERCE ON PUBLIC PROPERTY ADMINISTRATIVE RULE R-3.336

R-3.336-A Definitions.

As used herein, words and phrases have the following meanings and those ascribed in Sections 3.005 and 4.871 of the Eugene Code, 1971 (the "EC"). In the event of a conflict, the definitions in EC 4.871 shall control.

Abutting Property: Any separate parcel of real property which has a legal boundary touching the boundaries of City streets and alleys. For any place within the Downtown Activity Zone, the abutting property shall be that parcel of real property closest in any direction, measured along the surface of the Downtown Activity Zone.

Admission. 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 in the downtown activity zone. "Admission" includes a monetary fee charged on a fixed basis or a donation basis. The charging of "admission" prevents those persons who have not paid the monetary fee from accessing the area in which the activity, event, or performance is occurring. Where access to the area is not restricted, "admission" does not include soliciting donations during an activity, event, or performance.

Authorized Activity: Any activity for which a Downtown Activity Permit has been issued, or a city-sponsored event.

Block Face: The area facing one street between curb corners of the parallel streets perpendicular to it.

Broadway Plaza: The plaza located at the intersection of Broadway and Willamette Streets as designated by Resolution Number 4505 adopted by the Council on October 28, 1996.

City Manager: The city manager or his or her designee.

City-Sponsored Event: An activity carried out by a city employee in the performance of assigned duties or an activity authorized by the city manager or city council to use the city's name, which includes, but is not limited to, annual events such as the Eugene Celebration and First Night.

Commerce: A transaction occurring on public property involving the sale of, or offer to sell, goods or services.

Commercial Pursuits: Any activity related to or connected with trade, commerce

or fund raising involving the receipt of money or property, such as, but not limited to: advertising, displaying, distributing, selling, taking orders or offering to sell or take orders for goods or services; providing a place for customers to sit; fund raising activities; activities, events, and performances for which admission is charged; activities related to construction or demolition on abutting private premises.

Contractor. A person or entity with whom the City Manager contracts to administer all or a part of these rules.

Display: Visual portrayals or physical objects affixed to or standing upon public property, including but not limited to signs, pictures, markers, inscriptions, and objects that are inanimate or mechanically or electronically animated but which remain stationary in location.

Downtown Activity Permits: All licenses or permits issued pursuant to EC 3.341 for activities within the Downtown Activity Zone.

Downtown Activity Zone. Publicly-owned property and rights-of-way located within the area bounded by the centerlines of Sixth Avenue, Lincoln Street, Eleventh Avenue, and High Street, including all public improvements located therein.

Downtown Core. Publicly-owned property and rights-of-way located within the area bounded by a line that runs from the intersection of 10th Avenue and Pearl Street, north to 8th Avenue, west on 8th Avenue to Lincoln Street, south on Lincoln Street to 10th Avenue, east on 10th Avenue to Charnelton Street, south on Charnelton Street to 11th Avenue, east on 11th Avenue to Willamette Street, north on Willamette Street to 10th Avenue, and east on 10th Avenue to Pearl Street, including sidewalks on both sides of the streets and avenues that define the area and all public improvements located therein.

Eugene Celebration Area: That area bounded by the Southern Pacific Railroad tracks and 13th Avenue and High and Lincoln Streets.

Fund Raising: Actions which directly or indirectly request anything of value from persons with whom the requestor has not been previously associated as a family member, friend or companion, and the resulting proceeds are given to a person, entity or organization other than the person engaged in the fund raising activity. "Fund raising" does not include personal solicitations.

Impede: To prevent progress or movement, or to engage in an activity that would deter a reasonable person from progressing or moving in the area of the activity.

Interferes With: A person "interferes with" an authorized activity if that person does one or more of the following:

- (1) Enters in or upon and uses an area which has been reserved for an authorized activity for a purpose other than in accordance with the authorized use;
- (2) Engages in conduct which imminently threatens to cause or causes a

speaker or performer to cease speaking or performing or threatens to cause or causes an audience to be unable to hear the speaker or performer(s);

(3) Except when viewing or participating in an authorized activity, engages in conduct within 20 feet of an authorized activity which prevents reasonable people with normal sensitivities participating in the properly authorized activity from carrying on a normal conversation.

License or Permit: Any license or permit applied for and issued in accordance with the EC, including Downtown Activity Permits.

License Operating Area: The sidewalk from the midpoint of one block length, as defined in EC 9.0500, to the midpoint of a connecting block length on the same block.

Newspaper Dispenser. A box or other vending device that displays, holds or dispenses newspapers, flyers, brochures, pamphlets, newsletters or other written materials to the public, with or without requiring payment, and is intended to remain stationary in location.

Noise Disturbance: A noise disturbance which is plainly audible to two or more persons who are located within a room with all windows and doors to the outside shut which is in a building open for business and is within or abuts the area where the noise disturbance is occurring. The definitions of EC 4.080(1) shall apply to this definition.

Non-profit Organization: Any group operated exclusively for religious, charitable, scientific, literary or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual, or any group which would otherwise be qualified for tax exemption under 42 USC section 501 of the Internal Revenue Code as it exists as of January 1, 1990.

Occupied Vending Unit. A pushcart or other non-motorized movable cart, stand, or device propelled, occupied by, or attached to a vendor and utilized to engage in commerce on a public way.

Park Blocks. That area generally bounded by East 8th Avenue, West Park Street, South Park Street, and East Park Street.

Peddling Vendor. A person engaged in commerce other than on a street or from a stationary occupied vending unit.

Permittee: Includes any person designated as the applicant in the application for the downtown activity permit, and any employee, agent, representative or volunteer assisting with an authorized activity.

Personal solicitation: Solicitation by an individual of money or goods of value where that money or those goods of value would be transferred without receipt of any item with an extrinsic value.

Principal. Includes all owners, shareholders, partners, directors, officers and managers of a business.

Public Pedestrian Area. Any public sidewalk, alley, plaza, and park, excluding public areas under the primary control of entities other than the city. It also includes public streets during the time streets are closed to vehicular traffic for a city-sponsored or permitted event.

Public Property. Sidewalks, streets, alleys, plazas and parks, including improvements thereto.

Pushcart: A wheeled vehicle of such size and weight that it may be wheeled on or moved to and from an assigned location.

Retail Commercial Activities: Except for non-profit fund raising organizations, any commercial pursuit which has as any part of its business the sale or transfer of tangible personal property.

Sidewalk. That portion of the street between the curb line or the lateral line of a roadway and the property line of the adjacent property.

Sidewalk Commerce. Commerce occurring on a sidewalk outside the Downtown Activity Zone, as defined in EC 4.871.

Single Bus Stop: The location designated by the Lane Transit District or other publicly operated transportation district for passenger pickup and discharge by bus.

Street Entertainment: The conducting of, presenting, or participating in musical, theatrical, cinematic, choreographic or athletic performances for which no admission is charged, and no specific area of public property is reserved for its use.

Street Vendor: A person who sells or offers for sale, or distributes goods or services on a public street as defined in EC 9.0500.

Substantially Similar Items. Products which may reasonably be understood to compete for a share of the same market's demand.

Transaction. All means of exchanging goods or services for value other than printed matter distributed through vending equipment.

Vehicle: Any motorized vehicle required to be licensed by the Oregon Traffic Code.

Vending Equipment. Items or dispensing units other than occupied vending units.

Vending Kiosk: A temporary or permanent structure currently authorized for use as a vending location.

Vending Location. The specific area within a license operating area for which a

person is licensed to engage in commerce on public property.

Vendor. Any person engaged in private commerce on public property.

Written Material: Any literature, pamphlet, packaging or similar material intended to communicate any message through writing.

R-3.336-B Application.

1. Unless a different procedure is provided in this Rule, by an administrative order of the City Manager issued after the effective date of this Rule, or in a contract executed pursuant to EC 3.335, all applications for a license to conduct private commerce on public property, or renewals thereof, must comply with the provisions of Sections A to G of this Rule, and shall be submitted on forms provided by the City and processed as set forth herein. The application shall include, but is not limited to the following information:

1.1 The name, and home and business address of the applicant, and all principals of the business;

1.2 A description of the products to be sold or the proposed activity, and the number of persons participating in the activity.

2. The application shall be accompanied by the application fee established by the City Manager pursuant to EC 2.020, together with any attachments required by the form, which may include, but are not limited to:

2.1 A valid copy of all applicable health permits required by federal, state or local authorities;

2.2 A description of the means to be used in conducting business, including scaled drawings of all of the following: any vending unit or equipment; any structures; any barriers or other measures proposed or required to separate patrons from vehicles; all signs, any service operations, and any customer queuing and waiting areas;

2.3 The proposed license operating area and vending location;

2.4 List of all persons or employees to operate the vending unit/equipment or prepare food to be sold from the vending unit/equipment, and proof of a current food handlers card;

2.5 A list of merchants and other vendors and their products or services who are conducting commerce within 100 feet of the proposed vending location, or a signed statement that no competing merchant operates within 100 feet of the proposed vending location or area.

3. The application shall identify all principals of the business.

4. If the applicant's business name is the same as a currently licensed vendor, or so similar as to likely create confusion, the applicant shall be so advised, and the application shall not be processed until a different business name is submitted.

5. A decision on a vending license application shall be made within 30 days of receipt of a complete application form accompanied by all requested attachments and required application fees.

R-3.336-C Issuance of License.

1. In reviewing an application, the City may inspect: the scale drawings submitted with the application; the vending unit and/or equipment and any of its components; any structures included in the license operating area; any barriers or other measures proposed or required to separate patrons from vehicles; any customer service operations; the vending location; and the license operating area or block face.

2. A license to operate at a specified location within a designated operating area or block face shall be issued if the applicant meets all requirements of the applicable federal, state and local law, this Rule, and other applicable rules or regulations of a public agency, has paid all required fees, and has obtained any other required permits or licenses.

3. Licensees must begin stationary vending cart and peddler operations within 15 days of the date the license is issued, unless prior arrangements are made with the City Manager or designee. Failure to do so may result in cancellation or suspension of the license.

4. A license may not be transferred without the prior written consent of the City Manager or designee and payment of applicable fees. A license shall be considered transferred when the original principal(s) sells the business to a new principal or sells or withdraws from the business within six months of the date an additional principal(s) is added to the business. The City must be notified of the addition of each principal, including new owners or managers joining the business during the license term. The licensee shall complete any required application form and pay any required fees. Failure to do so within ten days of the date of joining the business may result in imposition of a civil penalty or revocation of the license.

5. Unless a different term is provided in other provisions of this Rule, licenses and permits shall be issued on an annual basis that commences on July 1 and expires on June 30 of the following year. Unless otherwise provided in other provisions of this Rule, license and permit fees shall be paid monthly, with the first month's fee paid at the time the license or permit is issued. Thereafter, the fee shall be due within ten days following each month of operation, along with a signed statement detailing the gross sales for the previous month's operation (if applicable). Any additional fee, based on the previous month's percentage of gross sales is due and payable at this time. Failure to maintain and submit accurate records and to make payments when due, may result in cancellation of the license or permit. An application for extension or renewal of an existing license must be submitted by May 1, accompanied by the required application fee. Failure to submit all required application materials with the extension or renewal application prior to the end of the current license term may result in the license being reviewed as a new application,

and may be subject to a new application fee. A licensee who submits an extension or renewal application after May 1 may also be assessed a penalty fee of \$10 per day for each day between May 1 and the date the application is submitted. The license or permit term shall be specified on the license.

6. The revocation or suspension of a license or permit shall be governed by the procedures set forth in EC 3.050 and 3.055.

7. Appeals of denials, revocations and suspensions of licenses or permits shall be governed by the procedures set forth in EC 2.021.

R-3.336-D Records to be Maintained.

1. All licensees shall maintain complete and accurate records of all business transactions indicating revenues and expenses associated with the licensed activity.

2. The records required herein shall be maintained by the licensee for a period of three years from the date of the last entry.

3. The licensee must provide the City with access to the records, upon request, and may, if requested by the City, be required to provide the City with financial information for purposes of establishing license fees based on a percentage of revenues. Failure to do so, or to maintain current records, may result in revocation of the license.

R-3.336-E Compliance with Other Laws.

All licensees must comply with all City, County, State and Federal laws and regulations applicable to the licensed activity, including the Eugene Fire Code. It is the responsibility of each licensee to determine whether other regulations apply and that the licensee is in compliance therewith.

R-3.336-F Insurance and Hold Harmless Agreement.

1. **Insurance Coverage.** Upon approval of a license application, but prior to issuance, the vendor shall furnish to the City, or its designee, proof of broad form commercial general liability insurance, including products and completed operations coverage for food and beverage service (if applicable). Such insurance shall:

1.1 Protect licensee and the City from all claims for damage to property or for bodily injury, including death, which may arise from operations under or in connection with the license;

1.2 Provide commercial general liability coverage of at least \$2,000,000 per occurrence and \$3,000,000 in the aggregate for bodily injuries and property damage, plus cost of defense;

1.3 Be without prejudice to other existing coverage;

1.4 Name as additional insureds the City, its officers, agents, and employees;
and

1.5 Provide that the policy shall not terminate or be cancelled prior to the expiration of the license term without 30 days written notice to the City or its designee, unless waived by the City or its designee in writing.

At least ten days prior to the expiration of a liability insurance policy required hereunder, or the effective date in a notice of insurance cancellation, the licensee shall submit to the City or its designee, satisfactory documentation that the insurance has been renewed, extended, or replaced. Failure to comply with this requirement, or if the insurance lapses, is cancelled, or is less than the required amounts, shall be grounds for the immediate and summary suspension of the license or permit.

2. **Hold Harmless Agreement.** The licensee shall, on a form provided by the City, furnish to the City a signed statement that the licensee shall hold harmless the city, its officers, agents, and employees and shall indemnify the City, its officers, agents, and employees for any claims of injury to property or persons that may arise as a result of any activity carried on by the licensee.

3. **Waiver.** The insurance required by this section is waived for vendors selling neither food nor beverage. Vendors selling food and/or beverage must have the required insurance; in the case of vendors selling prepackaged items, the City may accept proof of insurance from the packager.

4. **Workers' Compensation Coverage.** The vendor shall provide a certificate of coverage for Workers' Compensation if the vendor is an employer or becomes an employer during the course of the license term.

R.3.336-G Restrictions on Vending Units/Equipment.

1. No occupied vending unit/equipment in a single licensed location shall exceed 36 square feet, nor eight feet in height, including transparent enclosures, wheels and hitches, but excluding canopies, umbrellas, or awnings. The uppermost point of vending equipment operated by or attached to a peddling vendor shall not exceed eight feet in height from the ground when in use unless the proposed unit receives written approval by the City or its designee.

2. All external identification shall be non-illuminated and shall be attached to and shall not project beyond the perimeters of the vending unit. The sum of the area of all signs shall be limited to one square foot times the perimeter of the vending unit and shall comply with the Eugene Sign Code included in EC Chapter 9.

3. The footprint of a unit occupying a single licensed location, including all awnings, canopies, and umbrellas must meet all siting requirements and shall not exceed 100 square feet in

area. This may be expanded by the City at the time of application if the increase will not violate the provisions of EC 3.342 and EC 3.344(1).

R-3.336-H Eugene Celebration.

1. Notwithstanding any of the provisions set forth herein concerning license term, operating areas, or other restrictions or limitations, the provisions of this section shall control over any conflicting provisions during the three day period each year of the Eugene Celebration (Friday-Saturday-Sunday) within the Eugene Celebration Area as defined herein.

2. During the period of the Eugene Celebration no permit or license for sidewalk commerce, vendors, events, or performances, including Downtown Activity Permits, shall be issued for an activity within the Eugene Celebration Area without the prior approval of the Eugene Celebration.

3. Reasonable efforts will be made by the Eugene Celebration to ensure that current licensees may continue to operate at their established locations within the Eugene Celebration Area. A licensee with a current license for an activity at a location within the Eugene Celebration Area shall apply for written authorization from the Eugene Celebration to continue operation at that location during the period of the Eugene Celebration. If such authorization is not applied for or received prior to commencement of the Eugene Celebration, a licensee's operations may be suspended or moved to another location during the period of the Eugene Celebration if such action is necessary due to health or safety considerations.

4. Notwithstanding Subsections 2 and 3 above, applicants denied a permit or license and current licensees denied authorization to continue operations at their established location(s) within the Eugene Celebration area may appeal the decision to the City Manager within the time and in the manner provided in EC 2.021.

R-3.336-I Standards for City Approval of Items or Services Sold by Licensed Vendors and Permittees.

1. General Standards for All Licensed Vendors and Permittees.

1.1 Licensed vendors and permittees must comply with all applicable federal, state and local laws, including all health regulations applicable to the specific items or services sold or provided by the licensed vendors and permittees.

1.2 Excluding an application to operate a pushcart within the downtown activity zone, the City Manager shall not approve an application to sell items or services substantially similar to the items or services sold as a primary focus of its business by a previously existing business, licensed vendor, or permittee located within 100 feet of the proposed vending location, except with the written consent of the affected previously existing business owner, licensed vendor, or permittee. The 100 feet shall be measured in a direct line (horizontally, diagonally, etc.) between the proposed vending location and that of the affected previously existing business, licensed vendor, or permittee.

1.2.1 The written consent of the affected previously existing business owner, licensed vendor or permittee must be provided to the City Manager by the applicant prior to issuance of a license or permit. The consent shall be deemed a continuing consent so long as the licensed vendor or permittee does not change the goods or services being sold at the time consent is given, does not transfer the license or permit to another principal, or fail to renew the license or permit. In the event a particular business owner, licensed vendor, or permittee denies such consent, such denial may be deemed by the City Manager to apply for one year to all subsequent applications relating to goods substantially similar to those contemplated by the application for which consent was denied, absent subsequent written consent in favor of the initial applicant

2. Standards Applicable to Licensed Vendors and Permittees Operating Within the Downtown Activity Zone.

2.1 Pushcart permittees operating within the downtown activity zone shall sell only food items. The City Manager shall not approve an application to operate a pushcart within the downtown activity zone for the sale of food items substantially similar to the food items sold as a primary focus of its business by a previously existing business, licensed vendor, or permittee located within one block or block face of the pushcart permittee's proposed vending location, except with the written consent of the affected previously existing business owner, licensed vendor or permittee. (For example, a pushcart permit application proposing to sell sandwiches within one block or block face of a previously existing delicatessen which serves sandwiches as a primary focus of its business would be denied on the basis of this subsection. A pushcart permit application proposing to sell coffee and espresso within one block or block face of a previously existing restaurant which sells coffee, but coffee is not a primary focus of its business, would not be denied on the basis of this subsection.)

2.1.1 The written consent of the affected previously existing business owner, licensed vendor or permittee must be provided to the City Manager by the applicant prior to issuance of the pushcart permit. The consent shall be deemed a continuing consent so long as the permittee does not change the food items being sold at the time consent is given, does not transfer the permit to another principal, or fail to renew the permit. In the event a particular business owner, licensed vendor, or permittee denies such consent, such denial may be deemed by the City Manager to apply for one year to all subsequent applications relating to goods substantially similar to those contemplated by the application for which consent was denied, absent subsequent written consent in favor of the initial applicant.

R-3.336-J Specifics for Sidewalk Commerce.

1. **Restrictions on Vending Locations.** Sidewalk commerce licenses shall be restricted to vending locations within the geographical area on Kincaid Street from 100 feet north of 12th Avenue to 100 feet south of 13th Avenue. Additionally, a sidewalk commerce vendor shall not conduct commerce from a stationary vending unit on a sidewalk in any of the following places:

1.1 Within ten feet of the intersection of the sidewalk with any other sidewalk. The City 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 EC 3.342 and EC 3.344(1).

1.2 Within eight feet of the adjacent property line, except with the written consent of the adjacent property owner and a determination by the City that the proposed location will not present a threat to public health or safety.

1.3 Within a 20 foot radius of a building entrance or doorway, or any extension therefrom, except with the written consent of the property owner and a determination by the City that the proposed location will not present a threat to public health or safety.

1.4 Within ten feet of any handicapped parking space or access ramp.

1.5 Within ten feet of any driveway.

1.6 Within ten feet of any crosswalk.

1.7 Within 50 feet of any entrance or driveway to a health care facility with an emergency or urgent care facility, school, or police or fire station.

1.8 Within 100 feet of a major arterial as designated in the street classification map adopted by Ordinance No. 20181.

1.9 Where the location of the vending unit leaves less than a five foot width of unobstructed passageway on the sidewalk, including customers waiting to make a purchase, or where the City Manager or designee determines the remaining passageway will present a threat to public health or safety.

1.10 In an area zoned R-1, R-1.5, R-2, R-3, or R-4 under EC Chapter 9.

1.11 Within 100 feet of a business or other vendor that has direct access to the sidewalk and sells substantially similar items as a primary focus of their business, except with the written consent of that business or other vendor. The 100 feet shall be measured in a direct line (horizontally, diagonally, etc.) between the proposed vendor location and that of the affected business or other vendor. The written consent of the affected business owner or other vendor must be provided to the City Manager or designee by the applicant prior to issuance of a license. The consent shall be deemed a continuing consent so long as the licensee does not change the goods or services being sold at the time consent is given, does not transfer the license to another principal, or fail to renew the license. In the event a particular business or other vendor denies consent for issuance of any sidewalk commerce license, such denial may be deemed by the City Manager or designee to apply for one year to all subsequent applications relating to goods substantially similar to those contemplated by the license with respect to which consent was denied, absent subsequent written consent in favor of the initial applicant.

1.12 Within 12 feet from the curb of a designated single bus stop.

1.13 Within a designated Lane Transit District Transfer Station. The City Manager or designee may extend the area restricted from vending upon review of a request from the Lane Transit District.

1.14 In any location where the City Manager or designee determines the proposed vending activity and units would present a safety problem by obstructing the clear vision of drivers and pedestrians, or in any location determined unsuitable by the City Manager or designee.

1.15 On a sidewalk adjacent to a contra-flow bicycle lane or within ten feet of any travel lane.

1.16 Operate adjacent to East 13th Avenue between Kincaid Street and Hilyard Street, or adjacent to Alder Street from the alley north of East 13th Avenue to the alley south of East 13th Avenue.

In order to ensure compliance with the above provisions, the applicant shall indicate the proposed license operating area in the application.

2. Restrictions on Vending License. The number and type of goods and services sold must be reviewed and approved by the City before issuance of a license. The licensee must notify the City in writing within ten days of eliminating any goods or services from sale. No additional goods or services may be added during the license term without the review and approval of the City Manager or designee. Failure to obtain approval prior to adding the goods or services may result in the imposition of a civil penalty and/or revocation of the license. The vending license shall be issued for one specific vending site, and shall not be applicable to another location without the prior approval of the City Manager or designee.

3. Sidewalk Commerce Vendor Requirements. A sidewalk commerce vendor shall:

3.1 Prominently display the sidewalk commerce vending license and conspicuously post the price of all items sold.

3.2 Clean up any paper, cardboard, wood or plastic containers, wrappers, spills, or any other refuse in any form that is deposited by the vendor or any other person on the sidewalk or street within 25 feet of the vending site. Each vendor shall offer for customer use a suitable container for placement of refuse, and shall empty the container as soon as it is full. A vendor shall not use City or other private receptacles for the emptying of a refuse container, but shall empty full containers in suitable storage bags or containers and dispose of them at the end of each day.

3.3 Remove the vending unit from the sidewalk entirely, or to another designated location when directed to do so by the City Manager or designee or a City police officer based on a finding that such removal or relocation is necessary to avoid congestion or obstruction of the sidewalk.

4. Sidewalk Commerce Vendor Prohibitions. No sidewalk commerce vendor shall:

4.1 Leave any vending unit/equipment unattended on a continuous basis on the sidewalk during the licensee's business hours. A vending unit/equipment may be permitted to regularly remain on the sidewalk during non-business hours if such permission is made a condition of the license issued by the City Manager or designee.

4.2 Conduct business at a location other than that designated on the license.

4.3 Conduct business in an operating area exceeding that approved by the City Manager or designee. The operating area shall include the area of the vending unit, any awnings, canopies, or umbrellas extending beyond the unit, and a queuing area calculated by multiplying four feet by the length of the sales counter, window or area. The City Manager or designee may expand the area at the time of application if the increase will not violate the provisions of EC 3.342 and EC 3.334(1).

4.4 Fail to occupy the vending unit and location for 15 or more consecutive days without the prior written consent of the City Manager or designee. Violation of this subsection may subject the licensee to the imposition of a civil penalty and/or license revocation.

5. Operating Areas. A sidewalk commerce vendor other than a peddling vendor may obtain a license for only one vending location on the same block or adjacent blocks. Applications will be considered in the order filed.

R-3.336-K Specifics for Street Vendors.

1. A street vendor shall:

1.1 Sell, offer for sale, or distribute only the items approved by the City;

1.2 Conduct business only from a vehicle legally parked alongside the curb; and

1.3 Comply with all applicable federal, state, and local laws and regulations.

2. A street vendor shall not:

2.1 Conduct business in such a way as to restrict or interfere with the enjoyment or use of property by nearby property owners or occupants;

2.2 Increase traffic congestion or delay;

2.3 Create a hazard to life or property;

2.4 Stop on the traveled portion of any street or in any bicycle lane; or

2.5 Stop in one location for more than fifteen minutes within the same hour while

conducting business.

3. In addition to the restrictions of EC 3.344(2) as set forth in 1 and 2 of this section, and R-3.336-J-1 above, a street vendor shall not conduct business in a manner that interferes with the free flow of vehicular traffic on streets or areas open to the public, nor operate adjacent to a contra-flow bicycle lane, within any travel lane, or adjacent to East 13th Avenue between Kincaid Street and Hilyard Street, or adjacent to Alder Street from the alley north of East 13th Avenue to the alley south of East 13th Avenue.

R-3.336-L Specifics for Outdoor Cafes.

1. **Specific Application Requirements.** In addition to compliance with EC 3.344(3), and with R-3.336-B above, an applicant for an outdoor café license must:

1.1 Present a signed statement that the applicant lawfully operates a restaurant adjacent to the right-of-way for which the license is sought, identifying the name and business address of the restaurant; and

1.2 If the applicant also seeks to use the right-of-way adjacent to property contiguous to the restaurant, evidence that a restaurant is a permitted use for the contiguous property and a signed statement that the owner of the contiguous property consents to the issuance of the permit; and

1.3 Describe the location of the proposed outdoor café, and provide scaled drawings showing all of the following: the location of the restaurant exterior; any structures associated with the outdoor cafe; any barriers or other measures proposed or required to separate patrons from vehicles; signs; entrances/exits; tables, chairs, and other furniture within the proposed outdoor café space; service operations; street furniture (posts, poles, fire hydrants, etc.); and any other sidewalk obstructions within 50 feet of the proposed license area (including bus stops and zones, street trees, newspaper racks, etc.).

2. **Restrictions on Outdoor Café Locations.** No person may conduct outdoor café operations in any of the following places:

2.1 Within 10 feet of any ADA accessible parking space or access ramp.

2.2 Within 10 feet of any driveway.

2.3 Within 10 feet of any crosswalk.

2.4 Within 50 feet of any entrance or driveway to a health care facility with an emergency or urgent care facility, school, or police or fire station.

2.5 In any place where the outdoor café leaves less than five feet of unobstructed passageway on the sidewalk, or where the City Manager has determined that the passageway not obstructed by the outdoor café would present a threat to public health or safety.

- 2.6** In any area zoned R-1, R-2, R-3, or R-4 (residential) under EC Chapter 9.
- 2.7** Within 12 feet from the curb of a designated single bus stop.
- 2.8** Within a designated Lane Transit District Transfer Station. The City Manager or designee may extend the area restricted from vending upon review of a request from the Lane Transit District.
- 2.9** In any location where the City Manager or designee determines that the proposed activity would present a safety problem by obstructing the clear vision of drivers or pedestrians.
- 2.10** On a sidewalk adjacent to a contra-flow bicycle lane or within ten feet of any travel lane, except with the express approval of the City, which may include requirements for erection of barriers or other measures to safely separate patrons from vehicles.
- 2.11** Adjacent to East 13th Avenue between Kincaid Street and Hilyard Street, or adjacent to Alder Street from the alley north of East 13th Avenue to the alley south of East 13th Avenue.
- 2.12** Outdoor café operations may not negatively impact street trees or their critical root zones. For purposes of this subsection, "critical root zone" means "that area surrounding a tree that has a radius of 12 inches multiplied by the diameter breast height expressed in inches of the tree trunk or trunks."
- 2.13** Licensees shall not make any permanent alterations, such as bolting or anchoring, to objects or structures in the right-of-way or to City owned infrastructure, including but not limited to sidewalks, curbs, and pavement.
- 2.14** Licensees may erect a tent/canopy smaller than 400 square feet intended to shield the outdoor café operations from rain, so long as the restaurant demonstrates that use of the tent/canopy does not pose a danger to public health, safety or welfare, including but not limited to demonstration that the use of the tent/canopy will not interfere with the visibility or operation of traffic control devices. An applicant seeking to erect a tent/canopy 400 square feet or larger must also obtain a Fire Safety Permit from the Eugene/Springfield Fire Marshal.
- 2.15** The following requirements apply to structures utilized in outdoor café operations and located in the right-of-way:
- 2.15.1** Structures must be designed and installed in a way that allows their removal from the right-of-way within 48 hours; and
- 2.15.2** Structures may not be used for storage.
- 2.16** Outdoor café operations, including any structures or barriers or other measures to safely separate pedestrians from vehicles, shall not obstruct or impede stormwater run-off or flow.

3. Scope of License.

3.1 The outdoor café license shall identify the approved area within which outdoor café operations may take place. The outdoor café operations shall not be expanded beyond the bounds of the approved area identified in the license without prior approval from the City, which may require additional site and plan reviews and fees. The City may mark the approved area and levy a civil penalty if a licensee operates outside the approved area.

3.2 The approved area may include portions of right-of-way that have been designated by administrative action for parking (parking meter zone, hourly parking, etc.). If an Outdoor Café License is issued for right-of-way that has been designated by administrative action for parking, the parking designation of the subject right-of-way is hereby removed for the duration of the license.

3.3 A licensee may not sell alcoholic beverages within the approved area except as authorized by a license from the Oregon Liquor Control Commission.

3.4 An applicant that submits a completed application seeking an Outdoor Café License for use of right-of-way may, prior to permit issuance, request preliminary application approval for purposes of applying to the Oregon Liquor Control Commission to extend the premises. Final approval of the application will be based on compliance with applicable application requirements in the Eugene Code and this Rule.

4. Specific Insurance Requirements. Supplementing R-3.336-F above, the licensee shall provide the insurance coverages specified, including products and completed operations liability coverage, with coverage of at least \$2,000,000 per occurrence and \$3,000,000 aggregate, requiring a written 30-day notice of cancellation to the City, unless waived by the City in writing.

5. Litter. Licensee shall clean up any refuse generated by the outdoor café operation as well as any litter within 10 feet of the approved area identified in the license, except that the licensee need not clean up litter within a travel lane.

6. Compliance. Licensee must comply with all applicable federal, state, and local regulations, including the Fire Code adopted by the City.

7. License Fee. License fees for Outdoor Café Licenses shall be paid on an annual basis.

R-3.336-M Specifics for Peddling Vendors.

1. An applicant for a license to conduct commerce on public property as a peddling vendor without a vending cart must submit an application therefore and pay the required fees, in the same manner and with the same limitations as other licensees under this Rule, and the specific limitations set forth in this section. The license fee shall be based on a minimum of four square

feet plus any additional area required for vending equipment. Vending equipment for peddlers is limited to no more than eight feet in height from the ground when in use, and no greater than four square feet in length and width. This restriction may be waived by the City during the application review upon checking the proposed peddling area and equipment.

2. A license for a peddling vendor may be issued for a designated area, except that in the Downtown Activity Zone commerce by peddling vendors shall be limited to the Downtown Core as defined in EC 4.871. The applicant shall indicate in the application the area for which a license is sought and must identify merchants and other vendors within 100 feet of all points within the proposed vending area that are selling products or services arguably constituting substantially similar items as those the applicant proposes to sell.

3. A peddling vendor shall not:

3.1 Stop in one location for more than 15 minutes within the same hour while conducting business;

3.2 Conduct business in such a way as to restrict or interfere with the enjoyment or use of property or nearby property owners or occupants;

3.3 Create a hazard to life or property;

3.4 Conduct business within 100 feet of another merchant or vendor selling substantially similar items, except with the written consent of that merchant or vendor. The written consent of the merchant or vendor must be delivered to the City Manager or designee prior to the issuance of a license hereunder, and once given, may not be revoked prior to expiration of the term of the license by such merchant or vendor with regard to such applicant if a license is granted to that applicant;

3.5 Operate within ten feet of any crosswalk;

3.6 Operate on a sidewalk adjacent to a contra-flow bicycle lane or within ten feet of any travel lane, except for peddlers without equipment, and peddlers with equipment so small it does not create an obvious obstruction. Equipment must be carried on the peddling vendor's person;

3.7 Operate or display wares in an area adjacent to East 13th Avenue between Kincaid Street and Hilyard Street, or adjacent to Alder Street from the alley north of East 13th Avenue to the alley south of East 13th Avenue.

R-3.336-N Specifics for Downtown Activity Permits.

1. **Scope.** This Rule supplements the requirements of the Eugene Code, 1971, and applies to commercial pursuits, and to activities, events, and performances for which admission is charged and are conducted on public property within the Downtown Activity Zone.

2. **Prohibited Activities.** In addition to any other prohibitions in this Rule, the

following activities are prohibited on public pedestrian areas within the Downtown Activity Zone:

2.1 Commercial Pursuit. No person shall engage in a commercial pursuit except as authorized by EC 3.344(4) and this Rule, or pursuant to other specific permission granted by the City Manager.

2.2 Noise. No person shall operate or use any noise-producing machine, vehicle, or mechanical or electrical device in a manner that creates a noise disturbance or interferes with any authorized activity, except when engaged in an authorized activity and the noise is both authorized by the permit and reasonably necessary to the authorized activity.

2.3 Vandalism and Litter. Except in performing maintenance or construction authorized by the City Manager:

2.3.1 No person may mutilate, deface, damage, or remove a table, bench, building, sign, marker, monument, fence, barrier, fountain, faucet, traffic recorder, or other structure, facility or improvement of any kind; and,

2.3.2 No person may dig up, deface or remove earth, stones, rock, plants, or other substance, make an excavation, lay or set off any blast, roll any stones or other objects, or assist in doing so; and,

2.3.3 No person may litter by throwing or depositing refuse or causing refuse to be thrown or deposited in the public space without providing for its proper disposal.

3. Location of Activities. To preserve pedestrian access and safety, and to support uses that encourage participation in the Downtown Activity Zone, unless the City Manager makes a specific finding that another portion of the Downtown Activity Zone will best accommodate an activity, the following areas shall be the preferred locations for the listed activities:

3.1 On sidewalks:

3.1.1 Authorized activities by an owner or tenant of the abutting property;

3.1.2 Cafe seating;

3.2.3 Pushcart vendors;

3.2.4 Street entertainment;

3.2.5 Personal solicitations; and

3.2.6 Newspaper dispensers.

3.2 In the Park Blocks and designated locations within the Broadway Plaza:

3.2.1 Pushcart vendors;

3.2.2 Activities, events, and performances which involve more than a total of 25 persons at any one time;

3.2.3 Street entertainment;

3.2.4 Fund raising activities or personal solicitations;

3.2.5 Newspaper dispensers; and

3.2.6 Other commercial pursuits for which a Downtown Activity Permit has been issued.

4. Conditions Imposed on Downtown Activity Permits.

4.1 General Conditions. The following general conditions shall apply to all activities authorized by permit, as well as to street entertainment.

4.1.1 All permittees shall display the Downtown Activity Permit or have it ready for presentation upon demand while engaged in an authorized activity.

4.1.2 To maintain the free flow of pedestrians and access into and from private premises and to maintain quick access for emergency vehicles, all authorized activities shall:

4.1.2.1 In a location designated by the City Manager, maintain a five-foot pedestrian lane on all sidewalks;

4.1.2.2 Maintain unencumbered ingress and egress to private premises from the sidewalk. Unencumbered ingress and egress means keeping the area ten feet on each side of a doorway to a structure clear. This ten-foot limit may be reduced with the written consent of the occupants of the affected private premises but in no event shall it be less than the width of the affected doorway; and

4.1.2.3 Be prepared to cease activity and move any equipment associated with the activity when such action is necessary to assist emergency vehicle access.

4.1.3 To minimize hazards to the public and to minimize damage to public and private property, all permittees and street entertainers:

4.1.3.1 Shall not affix anything to structures or vegetation, nor occupy benches or other areas designated for the public to sit, except when expressly approved as to location, approved site plan, and the method of affixation or occupation by the City Manager;

4.1.3.2 Shall cooperate with law enforcement officers, City

personnel, or designees of the City in enforcing the law, this Rule, and any conditions of the Downtown Activity Permit;

4.1.3.3 Shall provide, at permittee's expense, at events of more than one hour duration, one toilet for each additional 400 people or part thereof over the first 400;

4.1.3.4 Shall provide at permittee's expense, clearly identifiable crowd control marshals who are to see that the conditions of the permit are met and to render assistance to the public attending the activity or to render assistance upon the request of City personnel or police officers. The number of crowd marshals shall be one per 200 anticipated attendees or part thereof in excess of 200 people but less than 1,000 people. If the anticipated attendance is to exceed 1,000 people, the ratio of crowd marshals shall be one per 100 anticipated attendees or part thereof;

4.1.3.5 Shall provide at permittee's expense such barricades and other crowd control devices as the City Manager deems necessary to regulate vehicle and pedestrian traffic and to protect vegetation and facilities; and

4.1.3.6 Shall be responsible for repair of any damage to public or private property as a result of permittee's acts or omissions. All repair work to public property shall be performed in compliance with the City's standard specifications, sound engineering and design practices and such other conditions required by the City Manager and shall restore the property to its prior quality, texture, color and character. When the City Manager determines the applied-for use may damage public property, prior to issuing the permit the City Manager may require the permittee to deposit with the City sufficient money, bond or other security acceptable to the City Manager based upon the City's estimate of the restoration cost. If the permittee fails to restore the public property as required, the City shall perform the necessary restoration and charge the cost thereof, including overhead and administrative costs against the permittee's deposit before returning any unused part thereof. Should the deposit be insufficient to cover the expense of restoration, the permittee shall be liable for the deficiency.

4.1.4 When an activity requires the use of electronically amplified sound, the sound level shall be at that required to reach reasonable people of normal sensitivities in attendance at the activity and the sound speakers shall be located and directed to minimize the intrusion of sound into adjacent private premises. In no instance shall the sound level 100 feet from a sound speaker exceed 94 dba.

4.1.5 To maintain the permitted area as a clean, pleasant place, each permittee and street entertainer:

4.1.5.1 Shall clean up the area in which the activity occurred and restore the area to as clean a condition as existed before the activity. For events attracting more than 100 people, the permittee, at permittee's expense,

shall empty the public trash receptacles in the area of the activity and remove the trash gathered. In addition to the area where a permittee or street entertainer is authorized to distribute pamphlets, leaflets or other objects, the permittee or street entertainer shall clean up any discarded material he or she distributed within 200 feet of the assigned area. Unless otherwise directed by the City Manager, the permittee's or street entertainer's obligation to clean up shall occur at the end of the activity, at the end of each day's activity or at least every four hours during the activity, whichever is less;

4.1.5.2 At permittee's or street entertainer's expense, shall promptly remove all of his or her personal property at the end of the activity or at the end of each day's activity, whichever first occurs, unless specifically authorized by the City Manager to leave the property. The permittee or street entertainer shall release the City from any obligation to protect or care for the personal property so left; and,

4.1.5.3 At permittee's or street entertainer's expense, shall return to City any City equipment provided in as good a working condition as when it was made available, less reasonable wear.

4.1.6 Each permittee shall be responsible for and pay any taxes levied or assessed arising from permittee's use of the Downtown Activity Zone.

4.1.7 Downtown activity permits are not assignable or transferable in whole or in part.

4.1.8 To preserve the aesthetic value of the Downtown Activity Zone and to provide for the safety of those who use the Downtown Activity Zone, all displays, including but not limited to signs or tables, are subject to the following restrictions:

4.1.8.1 All tables and chairs used in connection with an activity authorized by a Downtown Activity Permit shall be of sufficient strength to support the expected use, have non-movable legs or legs which can be locked in an upright position and shall be kept clean and free from excessive wear which might present a hazard to those using the table or chair. Tables and chairs shall be kept painted or finished, show no signs of rust or pitting, and shall have no holes except as a part of the design of the table or chair;

4.1.8.2 Signs in public pedestrian areas are allowed by permit only. No sign may be more than nine square feet in total area on any side and shall be firmly attached to a supporting structure or shall be capable of supporting itself without presenting a danger to pedestrians. All signs must be professionally lettered. Owners and tenants of abutting property and each pushcart is allowed one sign. Signage for activities of less than 14 days' duration shall be located according to the Downtown Activity Permit for such event;

4.1.8.3 No display placed on the surface of the Downtown Activity

Zone shall be less than 18 inches in height nor have protruding edges on or above the surface which would present a hazard to pedestrians;

4.1.8.4 Permanent fixtures within the Downtown Activity Zone shall not be used for commerce; and

4.1.8.5 In the public pedestrian areas within the Downtown Activity Zone, a newspaper dispenser shall not be placed:

4.1.8.5.1 Within ten feet of a street corner;

4.1.8.5.2 Within one foot of a street curb;

4.1.8.5.3 Within one foot of, or connected or affixed by any means to, a sidewalk fixture, such as a light pole, bicycle rack, planter, bench or art work;

4.1.8.5.4 Except with the permission of the person in charge of the building, between the central traveled portion of the adjacent sidewalk and any window abutting a public pedestrian area; or

4.1.8.5.5 Within the central traveled portion of the sidewalk or in any other location likely to impede pedestrian traffic.

4.1.9 Distribution of written material in an area occupied by an activity authorized by a Downtown Activity Permit is subject to EC 3.344(4)(c) and 4.872.

4.2 Commercial Pursuits Specifics.

4.2.1 Commercial pursuits shall be allowed by permit for any of the following uses of the public property within the Downtown Activity Zone:

4.2.1.1 An activity in designated locations on a sidewalk, the Broadway Plaza or the Park Blocks which:

4.2.1.1.1 Complies with the regulations of the pushcart program; or

4.2.1.1.2 Involves the sale of goods.

4.2.1.2 An activity on a sidewalk by an occupant of the abutting property and:

4.2.1.2.1 The proposed use is of the same type and involves merchandise similar to the permittee's use of the abutting property,

4.2.1.2.2 No Downtown Activity Permit has been issued for

the same location or no application is then being considered for the same location,

4.2.1.2.3 The City Manager approves the signage, the method of displaying merchandise, and the design of display racks and tables,

4.2.1.2.4 In the event that the abutting property is occupied by two or more persons or businesses acting as separate occupants, the application for a permit is accompanied by a written statement from the owner of the property showing approval of the application, and,

4.2.1.2.5 Where awnings exist that provide pedestrian rain cover, the authorized activity shall provide three feet of pedestrian passage area under the awning in the event of rain;

4.2.1.3 Cafe seating on a sidewalk by a restaurant occupying abutting property and:

4.2.1.3.1 The café seating is parallel to the permittee's storefront,

4.2.1.3.2 If the permittee proposes café seating that would extend to the front of an adjacent storefront, consent must be granted by the adjacent store owner,

4.2.1.3.3 The City Manager approves the design and color of the tables and chairs,

4.2.1.3.4 In addition to standards set forth in R-3.336-N-4.1.8.1, the tables and chairs are maintained in good repair and appearance,

4.2.1.3.5 The permittee takes full responsibility for refuse that is generated by the use of the café seating. A suitable receptacle shall be provided by the permittee and emptied by the permittee. Tables shall be cleared of refuse immediately after they are vacated,

4.2.1.3.6 The permittee may not sell alcoholic beverages on a sidewalk except as authorized by a license from the Oregon Liquor Control Commission, and,

4.2.1.3.7 The City Manager has approved the method (if any) by which permittee reserves the café seating for the exclusive use of its customers;

4.2.1.4 The activity is an activity, event or performance for which admission is charged, and is conducted in that part of the Downtown Activity

Zone which the City Manager determines will best serve the purposes of the Downtown Activity Zone pursuant to EC 4.870 and this Rule;

4.2.1.5 Construction or demolition work on abutting private premises;

4.2.1.6 Fund raising activities:

4.2.1.6.1 Shall be allowed only in designated locations in the Broadway Plaza and Park Blocks where such location would not impede pedestrian traffic,

4.2.1.6.2 Shall be limited to the sale of items for fund raising purposes, providing:

4.2.1.6.2.1 Only non-profit organizations may sell items for the purpose of fund raising within the Downtown Activity Zone. Such fund raising activities shall occur in designated locations and for designated periods of time not to exceed 30 days,

4.2.1.6.2.2 The items sold for fund raising purposes shall be limited to a single general category and may not be a rummage sale, flea market or bake sale in nature, and,

4.2.1.6.2.3 The City Manager has approved the design of display racks and tables, the signage, and the method of displaying merchandise;

4.2.1.7 No Downtown Activity Permit is required for street entertainment. However, all street entertainment shall occur:

4.2.1.7.1 Only on sidewalks or in designated locations in the Broadway Plaza or Park Blocks where such activity would not impede pedestrian traffic, and where a Downtown Activity Permit has not been issued,

4.2.1.7.2 In any one designated area for no longer than sixty minutes in any one day, except between twelve noon and 1:00 p.m., for no longer than thirty minutes in any one day, and,

4.2.1.7.3 Without aid of electronically amplified sound.

5. Pushcart Vendors. This subsection specifically authorizes and regulates pushcarts. In the event any of the provisions set forth herein conflict with other sections of this Rule, the provisions of this subsection shall prevail on issues relating to pushcarts.

5.1 Location. The pushcart shall be located on public property within an area

prescribed by the City or its designee. A pushcart shall not be located within one block or block face of an existing business or pushcart selling substantially similar item(s) to be sold by the pushcart. The vendor shall be given a map illustrating his or her location when the permit is issued.

5.2 Term of Permit. The term of any pushcart permit shall not exceed one year. Pushcarts may operate for shorter periods of time. The contract term shall commence on the vendor's proposed starting date or the date the pushcart permit is granted, whichever is later, and continue through the vendor's proposed ending date, or six months thereafter, whichever is earlier. The vendor shall notify the City or its designee, in writing, of any changes in the starting or ending dates from those specified in the contract.

5.3 Limitations. Each pushcart shall feature unique products to avoid duplication of other products sold by pushcart vendors. Sales shall be limited to those items proposed by the vendor and approved by the City or its designee. No changes will be permitted without prior approval of the City or its designee.

5.4 Health Standards. Pushcarts shall conform to all City, County, or other pertinent health qualifications and inspections.

5.5 Portability of Pushcart. "Pushcart" means a wheeled vehicle of such size and weight that it may be wheeled on or moved to and from the assigned location. Vehicles delivering and picking up the pushcart may not enter any pedestrian area without first obtaining a vehicle access permit from the City. Pushcarts should be removed after business hours each day. Exceptions maybe approved if the vendor signs an agreement holding the City harmless from any damage or liability claims or losses which may result from leaving the pushcart overnight.

5.6 Sound Amplification. No amplification of sound shall be permitted by pushcarts.

5.7 Installation and Maintenance. The vendor shall assume all costs associated with the construction, transportation, operation, and maintenance of the pushcart.

5.8 Litter Cleanup. The vendor shall keep the area around the pushcart clean and free of litter generated by the pushcart, and dispose of the litter in a container/receptacle provided by the vendor.

5.9 Permits. The vendor shall obtain and display as required all necessary permits or licenses including, but not limited to, food handler's permit, and vehicle access permit. The vendor shall pay for all permits.

5.10 Food Trucks. Notwithstanding the definition of pushcart, a food truck vendor may apply for a pushcart vendor permit. It is in the City's sole, unfettered discretion whether to approve or deny a food truck vendor's application for a pushcart vendor permit. If a pushcart vendor permit is issued to a food truck vendor, the term "pushcart" used throughout this Rule and in the permit shall mean "food truck." For purposes of this section, a food truck is a large vehicle equipped to cook and sell food.

5.11 Permit Fees/Performance Bond. The vendor shall pay the periodic permit fee(s) set forth in the pushcart permit, which shall be based on the rates and charges established by administrative order of the City Manager pursuant to EC 2.020. The vendor shall also pay a performance bond in the amount of the last month's fee. All or part of this bond may be withheld if the vendor does not comply with this Rule, or other applicable laws or regulations. If none is withheld, the amount of the bond may be applied to the last month's fee. The fee and performance bond must be delivered to the City at the time the pushcart license is issued. The fee is non-refundable if the vendor chooses to operate less than a month. The monthly fee shall be due within ten days of the end of the previous month, along with a signed statement detailing gross sales for that month's operation. Payment not received by the 10th of the month will be considered late and subject to a late fee. Any additional fee, based on the previous month's percentage of the gross sales, will be due at this time. Failure to maintain and submit accurate sales records, and to make payments when due, may result in cancellation of the pushcart permit and removal of the pushcart from the Downtown Activity Zone.

6. Activities, Events, and Performances. All activities, events, and performances which involve a total of more than 25 persons at any one time shall be located in the Broadway Plaza, Park Blocks or streets closed for those specific activities which, while preserving emergency vehicle and pedestrian access to abutting property and reducing the impact of this activity on other authorized activities, will best accommodate the number of people that the City Manager estimates are likely to attend the activity at any one time. This provision does not prohibit a moving gathering on a sidewalk as long as it does not impede emergency vehicle and pedestrian access to abutting property.

7. Location of Permitted Uses. All activities for which a permit is required shall be located within the Downtown Activity Zone in places designated for that purpose by the City Manager on a map which shall be available for public inspection.

8. Application for Permit.

8.1 Application. Applications for Downtown Activity Permits shall be directed to the City, or the Contractor that has been authorized by the City to issue such permits. Applications shall be made on a form prescribed by the City Manager or Contractor. The application shall describe the activity for which a permit is requested, the number of persons participating in the activity, and the area in which the activity will be carried out. The application shall be signed and shall state that the applicant will abide by all applicable federal and state laws, all applicable municipal ordinances, this Rule, and any conditions imposed on the Downtown Activity Permit.

8.2 Fees. The application shall be accompanied by all required fees. Permit fees for Outdoor Café permits shall be paid on an annual basis.

9. Action on Application. The City Manager shall issue a written decision on the application. The permit shall be allowed only upon execution of a permit on a form and containing provisions acceptable to the City and upon payment of all required fees and otherwise in conformity with all applicable laws, ordinances and rules.

10. Term of Permit. Each permit shall specify the term for which the permit is issued. Any permit with an unspecified termination date shall be terminated six months after the date of issue or upon 30 days' written notice unless susceptible to termination on shorter notice under another section of this Rule.

11. Priority for Conflicting Permit Applications.

11.1 Complete applications for permits shall be processed on a first-come, first-served basis. Based on the standards provided in this Rule for pedestrian access, emergency access, safety, and aesthetic values, the Contractor may determine the maximum number of permits that will be issued for a given form of commerce, subject to review by the City.

11.2 Applications for the same date, time and location, if meeting the conditions and terms of this Rule and applicable laws, shall be granted to the first complete application received.

11.3 In scheduling the time and location for activities, the City Manager shall work with applicants to resolve apparent conflicts with a view toward accomplishing the purposes of the Downtown Activity Zone.

12. Waiver. Except for violations of the Eugene Code, 1971, and State law, the City Manager may waive in writing any requirement in this Rule to the extent necessary to accomplish the purposes of the Downtown Activity Zone stated in EC 4.870.

13. Application of Regulations to City-Sponsored Activities.

13.1 All Downtown Activity Permits shall be subject to being stayed in the event they conflict with a City-sponsored event or the City's use of the Downtown Activity Zone. Such stay shall be only for the time reasonably necessary to prepare for, conduct and clean up following the City-sponsored event or use and shall not be subject to review on appeal unless the permittee can demonstrate the permittee's use will not interfere in any way with the City-sponsored event or use.

13.2 Any City-sponsored event or any City use shall comply with the applicable provisions of Sections R-3.336-N-1, 2 and 3 of this Rule.

R-3.336-O Enforcement.

1. Authorized city personnel or independent contractors authorized by the City Manager may issue notices of violation for a violation of this Rule. If the violation takes place in the presence of a police officer, a citation may be issued by the officer.

2. A notice of violation shall state with reasonable particularity any section of the Eugene Code, 1971 or this Rule alleged to have been violated and shall be signed by the person issuing the same.

3. Nothing in this Rule shall prohibit the service of complaints by police officers. In the event a violator is issued a citation, the report shall be promptly forwarded to the City Prosecutor for a determination as to issuance of the complaint.

4. After a complaint has been filed and served on the defendant, all subsequent proceedings shall be in accordance with the rules and procedures of the Municipal Court.

Dated and effective this 9th day of April, 2025.



Sarah Medary
City Manager

City Manager's Findings – Response to Public Comments

During the 15-day comment period, the City received two written comments regarding the proposed amendments to the Private Commerce on Public Property Rule R-3.336. A summary of the comments received, and findings addressing the comments, are set out below:

Both comments attribute a reduction in business downtown to issues of cleanliness and safety in the downtown area and suggest that the City should address those problems before charging business owners permit fees for outdoor café seating.

Response: Revenue from this program will initially be directed toward activities in the downtown area that provide a public benefit, including but not limited to repairing sidewalks, installing bike parking, wayfinding, placemaking, and other improvements within the right-of-way that support positive experiences in the downtown area. No changes are being made to the rule as a result of these comments.